‘It’s Better to See a Tiger than a Police Officer’: Adapting the Cognitive Interview Technique to the Indonesian Policing Context

A thesis submitted in fulfilment of the requirements of the degree of Doctor of Philosophy

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VOLUME 1
Declaration

I certify that except where due acknowledgement has been made, the work is that of the author alone; the work has not been submitted previously, in whole or in part, to qualify for any other academic award; the content of the thesis is the result of work which has been carried out since the official commencement date of the approved research program; any editorial work, paid or unpaid, carried out by a third party is acknowledged; and, ethics procedures and guidelines have been followed.

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R. Dian Dia-an Muniroh

25 February 2019
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## List of Abbreviations

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<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>BAP</td>
<td><em>Berita Acara Pemeriksaan</em> (police investigation report)</td>
</tr>
<tr>
<td>CI</td>
<td>Cognitive interview</td>
</tr>
<tr>
<td>CTI</td>
<td>Convention against Torture Initiative</td>
</tr>
<tr>
<td>ECI</td>
<td>Enhanced CI</td>
</tr>
<tr>
<td>ESL</td>
<td>English as a second language</td>
</tr>
<tr>
<td>FRR</td>
<td>Fadilah Rifai Rizky</td>
</tr>
<tr>
<td>IIIRG</td>
<td>International Investigative Interviewing Research Group</td>
</tr>
<tr>
<td>INP</td>
<td>Indonesian National Police</td>
</tr>
<tr>
<td>IRI</td>
<td>Investigation Relevant Information</td>
</tr>
<tr>
<td>KUHAP</td>
<td><em>Kitab Undang-Undang Hukum Acara Pidana</em> (Code of Criminal Procedure)</td>
</tr>
<tr>
<td>NCHR</td>
<td>Norwegian Centre for Human Rights</td>
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<tr>
<td>PACE</td>
<td>Police and Criminal Evidence</td>
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<tr>
<td>PEACE</td>
<td>Planning and preparation, Engage and explain, Account, Closure and Evaluation</td>
</tr>
<tr>
<td>PHS</td>
<td>Norwegian Police University College (Politihøgskolen)</td>
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<tr>
<td>SAI</td>
<td>Self-administered interviews</td>
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<td>SI</td>
<td>Standard interviewing</td>
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<tr>
<td>TSQ</td>
<td>Text search query</td>
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<tr>
<td>UN</td>
<td>United Nations</td>
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<tr>
<td>VATE</td>
<td>Video and audio taping of evidence</td>
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<tr>
<td>WFQ</td>
<td>Word frequency query</td>
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Dissemination of Research

The following is a list of relevant publication, presentations and workshop undertaken during this PhD program and relevant to the thesis.

**Book Chapter**


**Peer-reviewed Conference Proceedings**


General Presentations


Abstract

This thesis is a forensic linguistic investigation of the adaptation of the cognitive interview (CI) technique in an Indonesian policing context. Intersecting the disciplines of psychology, linguistics and law, it draws primarily on a linguistic theoretical framework while utilising insights drawn from psychology and law.

CI serves as a benchmark for witness interviewing models throughout the world due to its empirical basis and ability to enhance memory recall. By using specifically worded questions that are designed to prompt memory and cognitive functions, CI has been proved capable of increasing the amount of information that can be obtained from witnesses. Underscoring this study is the knowledge that poor interviewing practices by Indonesian police have led to numerous miscarriages of justice. In alignment with the Norwegian Centre for Human Rights’ initiative to introduce investigative interviewing models, including CI, into the Indonesian police from 2014, positive responses from the Indonesian police towards the implementation of CI exist. However, as CI is operationalised in the English language and legal system, and as Indonesia has a vastly different language, culture and legal environment, the appropriateness of CI instructions and the legal viability of CI in an Indonesian context cannot be ignored. Earlier studies have not considered the effect of language on the functioning of CI and the proper legal environment of CI. Therefore, this study asks ‘how well can CI work in the Indonesian policing context?’ This principle research question is addressed via three sub-questions that are administered in stages: sub-question 1, ‘what are police investigators’ perceptions of their existing practices of interviewing witnesses?’; sub-question 2, ‘how linguistically appropriate are CI instructions in the Indonesian language?’; and sub-question 3, ‘how legally viable is CI in the Indonesian legal system?’

This exploratory study employs a mixed-method design. Semi-structured interviews followed by questionnaires are employed to gather data for Stage 1. Delphi techniques are utilised to generate and rank expert opinions on issues relating to Stages 2 and 3. Stage 2 Delphi involves four rounds of collecting experts’ opinions via questionnaires to arrive at a consensus on the optimal CI instructions in Indonesian. Stage 3 Delphi uses two rounds: semi-structured interviews in Round 1 followed by a questionnaire in Round 2 to collect the views of experts on the suitable legal environment of CI in Indonesia.
The results of Stage 1 show that Indonesian police lack evidence-based techniques for interviewing witnesses. While CI features humaneness and participation, Indonesian police practice humaneness with standard interviewing and domination. The overlapping value of humaneness supports CI to move forward. The incongruity between the two practices justifies the need to introduce CI to the Indonesian police via training.

The results of Stage 2 show the language that is appropriate for CI in an Indonesian police interviewing discourse. Indonesian CI’s formality operates multidimensionally, embracing respectfulness, professionalism and warmth to achieve the institutional goal of interviewing. It features ‘normalspeak’ (as opposed to ‘copspeak’) — that is, a short instruction and contextual wording with standard Indonesian as a measure. The results also show participants’ lack of knowledge about CI. Several aspects of CI strategies were regarded as being against the existing norms and practices of police interviewing in Indonesia. It is inevitable that introducing CI in the Indonesian policing context requires training and modification of CI. The training should include materials on memory formation and explicit teaching of memory retrieval instructions to improve awareness of language use.

The results of Stage 3 data analysis demonstrate a sufficient legal regulatory environment for CI in the Indonesian policing system, with the exception of the use of open questions and mandatory recording of interviews. To implement CI properly, these may need to be addressed via legislative reform or agency actions. The whole point of CI is that it is not only legally more reliable, but is also intended to be more just and fair.

The results from Stages 1, 2 and 3 are brought together to answer the main research question. They show that English language CI has served as the basis for developing Indonesian CI and that Indonesian CI can work well in Indonesian policing contexts pending some adaptation of processes. There is considerable support for introducing CI via training to the Indonesian police. This is evidenced in the positive attitudes of Indonesian police to both their existing practices and CI; the linguistic formula for appropriate CI, which guarantees that Indonesian CI can achieve a similar outcome as that of English CI; and the legal environment of CI alongside existing legal reform. Adapting English CI to an Indonesian policing context is a complex process that must take many factors into consideration. To facilitate effective adaptation, the researcher proposes that the ILAHAR principle be adopted. The term ILAHAR is derived from Sundanese (regional language of West Java people) and means ‘common’. The principle,
which operates under six sub-principles, is the mnemonic of Interest, Likenesses, Awareness, Changes, (supportive) Atmosphere and Reiteration. It explains how to make CI ‘common’ in an Indonesian policing context and can serve as a template for change for other jurisdictions pursuing CI and facing similar problems to Indonesia.
Chapter 1: Introduction

1.1 Research Context

This thesis is a study of police interviewing of witnesses in Indonesia. It draws primarily on a linguistic theoretical framework and utilises insights from psychology and law. It is underscored by miscarriages of justice in Indonesia that occurred due to poor interviewing practices by police. It begins by exploring police perceptions of their existing interviewing practices. These highlight the need to introduce best practice standards of interviewing witnesses, popularly known as cognitive interviewing (CI). However, since Indonesia has a vastly different language and legal system to CI, which is rooted in an English language context and adversarial criminal justice system, transferring CI instructions from English into Indonesian is not an easy task. There is no supporting legal regulatory environment for CI within the Indonesian criminal justice system and there has been little research on CI in Indonesia. Yet, adapting CI linguistically and legally to the Indonesian policing context is crucial to its effective implementation. Therefore, this thesis identifies the appropriateness of language and legislative actions for having CI in Indonesia. It proposes six principles for effective adaptation of CI in the Indonesian policing context that can also be used as a template for change in other jurisdictions experiencing similar problems.

This section provides background information for adapting CI in the Indonesian policing context. It examines the globalisation of CI (Section 1.1.1) as the basis for developing evidence-based interviewing techniques in Indonesia, prior miscarriages of justice in Indonesia (Section 1.1.2), Indonesia’s linguistic environment (Section 1.1.3) and the legal environment of police interviewing in Indonesia (Section 1.1.4). This background information is critical to understanding the extent of work involved in adapting CI to the Indonesian policing context. Indonesia is a fascinating site for an interlingual and interlegal exercise centred on CI, as its adoption by police will most likely change socio-pragmatic norms of talk in Indonesian police investigations and will undoubtedly improve the quality of information elicited from witnesses.

1.1.1 Globalisation of CI

CI is a memory enhancing technique. Comprising a set of memory retrieval strategies operating within an English language context, it was created by Geiselman and his
The technique seeks to develop rich narratives from witnesses or suspects via mnemonic strategies, namely: building rapport, focused retrieval, context reinstatement, report everything, change order and change perspectives. These strategies are realised in specifically worded questions in English that are designed to prompt memory and cognitive functions. CI is not a questionnaire with specific questions to be asked of witnesses. Rather, it is a model of interviewing whose operationalisation may be different from one language and culture to another (see e.g. Lai, 2016; O’Brien & Kebbell, 2014, p. 99).

Since its inception in 1984, CI has become an important research area in psychology, linguistics and law (e.g. Brunel & Py, 2013; Clarke, Prescott & Milne, 2013; Eades, 2010; Heidt, Arbuthnott & Price, 2016; Köhnken, Milne, Memon & Bull, 1999; Memon & Bull, 1991; Memon, Bull & Smith, 1995; Wheatcroft, Wagstaff & Russell, 2014). Its importance is unlikely to diminish. The International Investigative Interviewing Research Group (iIIRG), formed in 2007 has been growing as a professional organisation committed to promoting ethical investigative interviewing (cf. MacLeod, 2010, pp. 31-32; Oxburgh, 2011, pp. xxiv-xxv). The researcher has observed that CI is one of popular topics of research presented in the iIIRG annual conferences. This popularity of CI indicates that it is a worthwhile research area. This is reinforced by the fact that interviewing practices globally are moving towards CI-based models. However, until now, little importance has been placed on the linguistic and legal viability of CI. In contrast, the psychological feasibility of CI has been well covered in the police interviewing literature.

Increasingly, CI training courses are being rolled out in Australia and New Zealand, across European nations (Norway was one of the earliest adopters) and elsewhere in the

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1 Despite the emergence of CI in the USA, this type of interview is not used by police officers in this country due to the dominance of the Reid’s interrogation technique (see e.g. Inbau, Reid, Buckley & Jayne, 2013; Kassin et al., 2007; Snook, Eastwood, Stinson, Tedeschini & House, 2010). Indonesian police standard interview has been influenced by interviewing techniques used in European countries, more specifically the Dutch due to colonisation (Muradi, 2014), rather than the USA Reid’s technique. Therefore, the discussion of the Reid’s technique is beyond the scope of this thesis. Nowadays in the Netherlands, ‘the generic witness interview model’ is used as a method for interviewing witnesses and has incorporated some concepts of CI (e.g. free recall or report everything) (Rispens & van der Sleen, 2016).

2 See https://www.iiirg.org/.
world, where training in CI and a range of underlying skills is being delivered to police and judicial officers (e.g. Gentle, Milne, Powell & Sharman, 2013; Jakobsen, Fahsing & Af Hjelmsäter, 2016; MacDonald, 2011; MacDonald, Snook & Milne, 2017; Rachlew, 1999; Tudor-Owen & Scott, 2016; Westera, Zajac & Brown, 2016). The global spread of CI training to police institutions has also reached Asian countries such as Vietnam, Thailand, China and Indonesia (see e.g. Flolo, 2017; Igesund, 2015; Salvesen, 2018; Vestheim, 2016). In Indonesia, where this research is situated, police officers have been taught CI since 2014 by Norwegian police instructors as part of the Human Rights Dialogue between the Indonesian Government and the Norwegian Centre for Human Rights (NCHR) (Asplund, 2015; Husby, 2015; Igesund, 2015; Rachlew, 2015; Salvesen, 2018; Vestheim, 2016). English is not used in all domains in Norway. Nevertheless, Norwegian police instructors taught Indonesian police trainees in English with an interpreter present. As CI wordings are highly technical, most interpreters would have used guesswork or ad-hoc translations. In practice, this meant that Indonesian police officers trained in CI had to find suitable instruction wordings in Indonesian by themselves (cf. Demarchi, Taddei, Fanton, Fabrizi & Tamasan, 2016).

1.1.2 Coercive Practices in Indonesian Police Interviewing

This section provides background information on the importance of adapting CI to the Indonesian policing context. It considers cases of misconduct with regard to interviewing practices and global responses to human rights abuses in Indonesia, including from the NCHR.

The importance of adapting CI to the Indonesian policing context is driven by the fact that numerous miscarriages of justice have come to light in Indonesia, mainly due to poor interviewing practices. While victims or witnesses can face intimidation and harassment, criminal suspects can be subject to excessive use of power, torture and other forms of ill-treatment during arrest or interrogation (Amnesty International, 2009). For example, in 2014, the United States Country Report for Human Rights Practices cited a Jakarta International School sexual assault case that broke in April that year. The police officer was reported to have tortured the suspects for hours during questioning to elicit a confession. In other cases, the local media reported that police officers had similarly treated suspects coercively. For example, in murder cases in Jombang (East Java) in 2007 and Sukabumi (West Java) in 2017, it was reported that police arrested people and tortured them until they provided a false confession (see e.g. Saputra, 2018, November
This mistreatment occurred despite Indonesia’s ongoing status as a country abiding by the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatments or Punishments, which was ratified in November 1998.

The historical and ongoing use of torture and resulting false confession in police investigative contexts has been the focus of concern and debate among academics and practitioners around the globe for many decades. On one side of the argument, coercion in interrogation is viewed as a method of transferring deterring effects to offenders (see O’Connell, 2005). Therefore, a coercive interrogation is viewed as producing benefits beyond the pain suffered by suspects—for example, it might save people’s lives. This argument informs the ‘ticking time-bomb’ scenario, which has been a popular discourse in the USA due to terrorists’ attacks. However, without denigrating the importance of saving people’s lives, this argument warrants closer scrutiny, as there is no evidence that abuse or torture has been effective against crime in any country throughout history (cf. O’Connell, 2005). In contrast, there is considerable evidence that such practices result not only in pain and public mistrust, but also denigration of the reliability of evidence, which is the primary concern of police investigators and prosecutors.

Since President Soeharto’s era (1967–1998), narratives of human rights violations by police officials from Indonesia’s criminal investigation units have been prevalent both within and outside the country. National and international organisations dealing with human rights protection, such as the National Human Rights Commission (Komnas HAM), Amnesty International and Human Rights Watch, have received multiple complaints about such misconduct. Police accountability in criminal case handling in Indonesia has been questioned (Amnesty International, 2008, 2016; Meliala, 2001b; Sohuturon, 2017).

The ill-treatment of citizens by Indonesian police can be traced to the history of Indonesian politics before the fall of Soeharto’s reign in 1999. Meliala (2001b) argued that the occurrence of inhumane treatment of victims or suspects by police was largely due to the police force being included as part of the armed forces during Soeharto’s reign. Unlike police personnel, soldiers are mostly prepared for war-related or military-based activities (Meliala, 2001b). Before Soeharto’s reign fell, Indonesia’s police forces were mostly charged with maintaining security by watching citizens’ actions; functions relating to fighting crime and giving general community service were a lesser priority. When they
joined with the armed forces, police officers experienced conflict between implementing their roles as police and soldiers. Their police work required them to preserve the rule of law, which meant that the use of violence was avoided. In contrast, military service demanded that they maintain social order, which often meant protecting themselves from others. Under such circumstances, killing was allowed. According to Meliala (2001b), the police in Indonesia valued a paramilitary style of policing that relied on ‘physical power, domination and the use of force where torture, extrajudicial violence and killing become legitimate and indeed required’ (p. 421). The ambivalence of their role, including the use of force, influenced the institution of policing in Indonesia, especially when dealing with the public. Victims or witnesses were often treated like suspects (although the degree of coercion was not usually as high as that meted out to suspects—provided they cooperated). Of most concern here is police officers’ lack of consideration of the fact that witnesses hold information regarding crime events in their minds and coercion is unhelpful when accessing such information.

The Indonesian police force was separated from the military in 2000 (Meliala, 2001b; Muradi, 2014). Gradually, the military culture embedded within the institutional culture of the police has begun to change with regard to the police force’s main role an institution of law enforcement. This is exemplified by the fact that police officers investigating crime have recognised the idea of humane investigation and have attempted to apply this in their job (Ikhsanudin, 2017; Meutia, 2016). Whether police officers perceive existing practices as positive was investigated in Stage 1 of my research (see Chapter 4). Based on the information presented above, it is clear that Indonesia’s police force has operational problems related to the enforcement of ethical practices of investigation (Sudarsono, Nurjaya & Adi, 2014).

According to Meliala (2001b), the lack of an operational budget for case completion and the disparity between the number of law enforcement officers and the population also contributes to the use of violence by police as a shortcut to investigation processes (i.e. to accelerate the obtaining of evidence and extraction of a confession). During the investigation phase within Indonesia’s civil law system, police investigators are tasked with eliciting information and obtaining evidence from witnesses or suspects, and transferring this into a written document, the content of which is legally determined. This form-based statement becomes an important case file and plays a vital role in informing prosecutors and judges on how to manage prosecution and adjudication procedures, respectively (Muniroh & Aziz, 2016; Strang, 2008).
In Indonesian courts, it is not uncommon to find witnesses recanting their initial testimony as presented in police reports. Witnesses often claim that they were pressured by police investigators to sign the testimony, which does not reflect their version of events. When this occurs, the court has to summon the investigators to determine whether the testimony was elicited legally and is admissible. Under such conditions, court proceedings can be needlessly prolonged. If more than one witness in a case changes their testimony at trial, the judge has to assess the credibility of each testimony by seeking its consistency with that of other witnesses and other legal means of proof, rendering proceedings ineffective. In contrast, when witnesses are interviewed appropriately, it is far more likely that the police report is both reliable and accurate.

Human rights protection observers and police authorities have noted that police officials from Indonesia’s criminal investigation units have failed to respect human rights provisions as outlined in national legislation and international human rights treaties. In response to this, Amnesty International recommended dissemination of Regulation of the Chief of the Indonesian National Police No. 1 of 2009 concerning the Use of Force in Police Action, provision of proper training for law enforcement officials in its application and a clearer procedure for complaints of incidents of torture in police institutions (since victims of abuse rarely obtain justice and reparations).

Another response came from the NCHR, which operates under the auspice of the Faculty of Law, University of Oslo. In the context of a bilateral cooperation program between the governments of Indonesia and Norway, the NCHR proposed to deliver a course on investigative interviewing, including CI. In 2007, they began introducing CI to the Indonesian military as a part of the Human Rights and Law of Armed Conflict training program. In 2014 and 2015, they involved police investigators in the training (Vestheim, 2016) with an interpreter present. This program was presented at a symposium on Introducing Investigative Interviewing in Southeast Asia as a part of the iIIRG conference, which was held in June 2015 at the Deakin Management Centre, Melbourne.

That year, the NCHR shifted its focus to training police investigators rather than military police and intelligence, although there were five participants from the Indonesian military. In August and September 2016 (in cooperation with the Fadilah Rifai Rizky (FRR) Law Office and the Criminal Investigation Agency of the Indonesian National Police Headquarters, Jakarta), the Norwegian Police University College (Politihøgskolen or PHS) and the NCHR trained 40 police superintendents from all over Indonesia at the Criminal Investigation Education and Training Centre, Mega Mendung Bogor (Flolo,
2017, p. 10), again with an interpreter present I was involved as a liaison in this training. The next batch of training, which took place in December 2017, involved 40 lower rank officers (i.e. police inspector second class, police inspector first class and police inspector) from 13 police districts in Western Indonesia (Salvesen, 2018, p. 11). The most recent training took place in Manado (North Sulawesi) in the end of January 2019 (Asplund, 2019) involving 37 experienced police detectives primarily from the eastern part of Indonesia (S.C. Sukma\(^3\), personal communication, February 5, 2019). In part a response to the United Nations (UN) mission towards Global Standards for Investigations and Interviewing, Indonesia has expressed its support for these efforts (Edwards, 2018). The PHS and the NCHR, in cooperation with FRR and the Indonesian National Police, wishes to expand this training nationally and has taken steps to form a team of experts who will be in charge of the program in collaboration with the researcher (K. Asplund, personal communication, July 4, 2018).

While it is true that poor interviewing practices may be caused by a lack of exposure and understanding on the part of police to Regulation No. 1 (2009) on the Use of Force in Police Action, introducing Indonesian police to ethical interviewing is the best method for reducing human rights’ violations and the incidence of false testimony (see e.g. Fahsing & Rachlew, 2009; NCHR, 2016; Shawyer, Milne & Bull, 2012). It is important to note that, with support from the NCHR, the Indonesian police force has been pursuing evidence-based techniques of interviewing such as CI. However, for the most part, they have not been provided with sufficient training and supervision. Further, given that the limited training they have received has been delivered in English, which is neither the first nor the second language of Indonesian police investigators, it is likely that they have not fully understood the concepts. Translating CI instructions from English into Indonesian is not easy and there is little research to draw on regarding the application of CI in Indonesia. Therefore, there is an urgent need to investigate the process of adapting CI to an Indonesian police investigation context. The following section discusses the importance of adapting CI from a linguistic perspective, considering the diglossic nature of Indonesian, which affects language choice in police interviewing.

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\(^3\) Police Chief Inspector Syarifah Chaira Sukma from the Metropolitan Police in Jakarta was one of the participants at the course. Having worked with Police Commissioner Eko Novan who was one of the leading investigators embracing investigative interviewing approach to criminal investigation in the Indonesian police, she had applied the method in high profile cases.
1.1.3 Linguistic Environment of Police Interview in Indonesia

The lack of commonality between Indonesian and English (and other European languages), as well as Indonesia’s complex linguistic landscape and the challenges it creates for adapting CI, are explored in this section.

The extent to which CI is introduced to Indonesian police officers cannot be separated from the effects of globalisation and the phenomenon of English as the world language. The global status of English has seen the best witness interviewing model travel from traditional English speaking countries (e.g. the USA, United Kingdom and Australia) to countries in which English mainly serves as international communication (e.g. China, Vietnam, Japan and Indonesia) (Kachru, 1992; Nunan, 2003). This process strengthens power effects in the domain of language, resulting in a form of English language imperialism. Since English is seen as ‘the most eligible language for virtually all significant purposes … the dominance of English is asserted and maintained by the establishment and continuous reconstitution of structural and cultural inequalities between English and other languages’ (Phillipson, 1992, p. 43).

In Indonesia, English is the only foreign language that is compulsorily taught in schools. As such, it has gained a special status among other foreign languages such as French, Chinese and Japanese (Aziz, 2003a; Errington, 2014; Lauder, 2010). This status is the result of the worldwide use of English. It is spoken in almost every country of the world and plays an important role in society at large, including in business, politics, media and education (Lauder, 2010). Despite this emphasis on English language education throughout Indonesia, the level of bilingualism in English is still considered low (Aziz, 2003a, p. 143). This is one of the reasons why a new variety of English in Indonesia, or ‘IndoEnglish’, does not yet exist (Aziz, 2003a). Consequently, there is a high probability that English is not used in police training and interviews, and that an interpreter will be needed when CI is introduced to Indonesian police by foreign instructors. The linguistic contact between non-native English speaking instructors from Norway and non-native English speaking police trainees exemplifies the fact that police forces cannot escape the wave of globalisation.

The potential effects of globalisation include a shift in sociolinguistic norms of institutional interactions and functions of language. In this regard, English language CI brings discursive values that might be different from current practices. However, rather than an identity, English language CI can be seen as a commodity or workplace skill that
can be adapted to fit the Indonesian context (Cameron, 2000; Coupland, 2003; Park & Lo, 2012). Thus far, when police investigators interview witnesses, the language used by witnesses is taken into account. Yet, while witnesses might speak local languages or Indonesian, the interview report has to be written in Indonesian, as this is the language of police business and operations stipulated in the legislation.

Indonesia is a linguistically complex country; indeed, it is ‘one of the most multilingual nations in the world’ (Cohn & Ravindranath, 2014, p. 132). The linguistic landscape features a single language of the nation (i.e. Indonesian) and several hundred regional languages (Errington, 2014). More specifically, Simons and Fennig (2018) reported that:

> The number of individual languages listed for Indonesia is 719. Of these, 707 are living and 12 are extinct. Of the living languages, 701 are indigenous and 6 are non-indigenous. Furthermore, 18 are institutional, 81 are developing, 260 are vigorous, 272 are in trouble, and 76 are dying.

These languages are not mutually intelligible (Cohn & Ravindranath, 2014). Alongside the diffusion of Indonesian to various language domains, this landscape has made linguistic contact between Indonesian and regional languages possible, which has created considerable linguistic diversity within Indonesian (Cohn & Ravindranath, 2014). This is exemplified in the variation in spoken Indonesian, with accents or dialects of regional languages being common—for example, Jakartan Indonesian (Sneddon, 2003a, 2006) and Papuan colloquial Indonesian (Fields, 2010). Such linguistic contact has also resulted in shifts from regional languages to Indonesian, mainly due to a lack of intergenerational transmission of regional languages and sociolinguistic differences (e.g. class, gender and urban/rural) in language choices. More relevant to this study, which is set in Bandung (West Java) and Jakarta, is the high possibility of contact between the regional languages of people of West Java and Jakarta, and Indonesian. Moreover, as police officers in Bandung and Jakarta might come from other regions, there is also the possibility of contact or shift between other regional languages and Indonesian.

Indonesian has diglossic characteristics; its two extreme varieties—standard Indonesian (high or ‘H’) and colloquial Indonesian (low or ‘L’)—are used in a continuum within the speech community under different conditions. H variety is used in governmental, administrational and legal matters as well as in formal situations such as speeches, lectures, education, literature and most of the mass media. In contrast, L is used at home and in casual conversation. This suggests that police officers are expected to use standard Indonesian/H in police business and operations (see e.g. Sneddon, 2003a). As most
Indonesians use regional languages at home, there is a possibility that regional languages might have some contact with L, as it is less rigid than the H variety. Although the legislation confirms the use of Indonesian in police investigations, no research has been conducted on which variety of Indonesian is used in this setting or whether regional languages intrude into police interviews.

Indonesian has been regarded as the dominant language of Indonesia for three generations (Errington, 2014, p. 185). It is Indonesia’s national language (though spoken Indonesian has many geographical variations) and the language of police business and operations. Most Indonesians use Indonesian as their first language, especially those living in cities (Cohn & Ravindranath, 2014; Errington, 2006, 2014). This suggests that Indonesian would be mainly used in police interviews rather than regional languages. Therefore, how Indonesian is used in police interviews is worth investigating. Indonesian is part of the major language group known as Austronesian (Clark, 2009; Tadmor, 2009). In light of the fact that CI was designed and written within an English language context, if CI were implemented comprehensively in Indonesia, adaptation would be required so that it could be become linguistically viable and relevant in an Indonesian policing context.

In addition to its institutional implementation and testing across United Kingdom (UK) police forces (cf. Clarke & Milne, 2001), CI’s capacity to increase the amount of information from witnesses has been examined in different countries and language speaking groups throughout the world, including Brazil (e.g. Stein & Memon, 2006), France (e.g. Colomb, Ginet, Wright, Demarchi & Sadler, 2013; Ginet, Py & Colomb, 2014; Launay & Py, 2015), Spain (Campos & Alonso-quecuty, 1999; Campos & Alonso-quecuty, 2008), Germany (e.g. Aschermann, Mantwill & Köhnken, 1991; Köhnken, Schimossek, Aschermann & Höfer, 1995; Köhnken, Thürer & Zoberbier, 1994) and Portugal (e.g. Paulo, Albuquerque & Bull, 2013, 2015, 2016; Paulo, Albuquerque, Saraiva & Bull, 2015; Paulo, Albuquerque, Vitorino & Bull, 2017). These experimental studies show the same results; it is clear that CI can elicit more detailed and accurate information than standard interviews. Psychologists argue that this similarity of results occurs mainly because people in different cultures remember and describe things according to similar cognitive processes (e.g. Benedict, 1934; Tylor, 1871). Linguistically, a similarity of results is also likely due to commonality in language origins (e.g. Beenstock, Chiswick & Repetto, 2001; Chiswick & Miller, 2005; Crystal, 1987). That is, while Germany, Brazil and France are not English speaking countries, they are
linguistically closer to the UK since they are all countries with Indo-European languages⁴ (Baldi, 2009; Chiswick & Miller, 2005; Fortson IV, 2010).

Therefore, it is possible that CI discursive practices that were developed for an English language context can be adapted to function effectively in other languages in the Indo-European family (e.g. Beenstock et al., 2001; Chiswick & Miller, 2005). However, Alana C. Krix, a psychologist from the Faculty of Psychology and Neuroscience, Maastricht University, the Netherlands, offers a different opinion about the efficacy of translated versions of CI, even within the Indo-European language family. Her work on the use of CI in Germany and the Netherlands identified problems with finding equivalent wording for CI instructions in other languages, despite common origins. She found that:

Although English, Dutch, and German have a common origin, making the translations was not as intuitive as one would assume given the similarities of the language. That is, we could not just make literal translations from the English version, because that would have sounded very awkward. For example, the concept of ‘mental context reinstatement’ [a key concept in CI] was not so easy to translate into German and Dutch. (A. Krix, personal communication, April 27, 2015)

Moreover, wording is not the only issue to be considered in translating CI into other language contexts. Cultural codes are embedded in CI’s conceptual framework. For example, CI’s conceptualisation values free narrative or storytelling. This culture is attached to ‘report everything’ mnemonics and linguistically operationalised in ‘tell, explain and describe’ instructions. This creates difficulties in evidence gathering in some areas of Africa, as the African style of storytelling is not organised chronologically and facts, events and sources can be blended, becoming indistinguishable, according to O’Brien and Kebbell (2014). CI was adapted to an African method of storytelling by modifying the instructional wording—for example, ‘by telling interviewees to start sentences with specific phrases such as “I saw”, “I heard”, or “Someone told me”’

⁴ Indo-European languages are defined as:

A family of languages which by about 1000 BCE were spoken over a large part of Europe and parts of southwestern and southern Asia. Indo-European is essentially a geographical term: it refers to the easternmost (India) and westernmost (Europe) pre-colonial expansion of the family at the time it was proven to be a linguistic group by scholars of the eighteenth and nineteenth centuries (the term was first used in 1813). (Baldi, 2009, p. 23)

Indo-European languages include Danish, Norwegian (i.e. both the Dano-Norwegian Bokmål and Nynorsk), Swedish, Icelandic, Faroese, English (in all its varieties), German (in all its varieties, including Yiddish and Pennsylvania German), Dutch (including Afrikaans and Flemish), Frisian, Portuguese, Spanish, French, Italian and Rumanian (Green, 2009; Hawkins, 2009).
(O'Brien & Kebbell, 2014, p. 99). However, this cultural path is beyond the scope of this thesis.

Lai (2016) identified challenges in the adaptation of CI to different linguistic and cultural environments. Her study confirmed that simple words and clear concepts in English do not necessarily transfer easily into other languages. Terms and phrases such as ‘focus’ (as in to recall a particular aspect of a remembered image), ‘view’ (as in ‘are there any other views that you had of the robbers?’) and ‘mental picture’ (as in ‘try to develop a mental picture of the robber’) are difficult to transfer into other languages.

As mentioned in Section 1.1.2, the main types of discursive practices in CI are communication strategies or mnemonics, which are realised in specifically worded instructions. These questions are designed to prompt memory and cognitive functions. CI is a concept whose implementation may be different from one language to another. In this regard, at the level of cognition, the assumption that ‘people in different cultures remember and describe things according to similar cognitive processes’ might be true (R. Fisher, personal communication, March 23, 2015), but the adaptation of English CI for operation in languages other than English appears to be a complex business involving various levels of linguistic operation. For other Indo-European languages, the adaptation might only involve some variation in lexical choices. However, this thesis explores the implications for adaptation when the target language differs in form, structure and sociocultural context from the original English CI.

Considering the discussion above, to apply CI in an Indonesian context, there is a clear need for research that employs a micro-linguistic analysis of CI instructions to produce linguistically appropriate instructions for Indonesian witnesses. The Indonesian police force does not have to compete for business; however, the service it provides affects its credibility. Using CI with an appropriate language adaptation for the Indonesian context supports the professional image of Indonesian police officers. It enables police officers to treat witnesses as unique individuals, personalising the encounter with witnesses—or at least developing what Fairclough (2001, p. 52) termed ‘synthetic personalisation’. In this way, CI may well be an important tool to improve Indonesian police credibility. The next section explains the importance of adapting CI from the perspective of the criminal and justice system.
1.1.4 Legal Environment of Police Interview in Indonesia

This section provides the context for adapting CI to the legal environment of Indonesia, which has a continental civil code system. Indonesia’s criminal justice and legal system is different to that of Australia, New Zealand and some European countries that have adopted CI (Pakes, 2015; Strang, 2008; Tak, 2008). Its system was inherited from the Netherlands (Strang, 2008; Wagner & Jacobs, 2008). Like many other former colonies of Continental Europe, such as those of Spain, Italy, France and Belgium (Clément, van de Plas, van den Eshof & Nierop, 2012; Demarchi et al., 2016; Komter & Malsch, 2012, p. 409; Montana, 2016; Strang, 2008; Wagner & Jacobs, 2008), the criminal procedure code is regarded as the backbone of the criminal justice system (Strang, 2008, p. 188). The code defines the relationship between the police, the prosecutor and the judge, and determines how evidence should be gathered and treated in court. The three judicial parties gather and present evidence based on the code (Malsch & Freckelton, 2009).

According to this system, the police gather information for investigative and evidential purposes, which they provide to prosecutors in a paper document (a dossier) (see e.g. Mou, 2017). Once the information gathering is complete, ‘both the investigative file and responsibility for custody of suspect passes to the prosecution, and the police generally have no further role in the process’ (Wagner & Jacobs, 2008, p. 202). It is up to the prosecutor to assess whether the dossier has fulfilled the elements of the legal offence so that the case can be presented to the court (Strang, 2008). If the elements are not fulfilled, the prosecutor will send the dossier back to the police with feedback detailing the inadequacy of evidence. If this occurs, the police interviewer will re-summon witnesses or suspects to seek additional information using the same process described above. When the evidence finally reaches the trial, the judge determines its veracity (Kim & Penrod, 2010; Malsch & Freckelton, 2009; Van Koppen & Penrod, 2003). The model of interviewing currently employed by police and rules of evidence are described below.

The standard model of interviewing witnesses is outlined in the Law of the Republic of Indonesia No. 8 of 1981 concerning the Code of Criminal Procedure.5 Law No. 8 (1981) does not specify principles or rules for interviewing witnesses or suspects. However, it requires that both witness and suspect investigations are conducted on the basis of human

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5 Known in Indonesia as Kitab Undang-Undang Hukum Acara Pidana (KUHAP). See Chapter XIV Investigation.
rights and non-violation principles. Extant general principles of interviewing regarding legality affirm ethical and humane investigation processes and must be followed. These principles represent the commitment of the Indonesian National Police to ratify a series of UN agreements on human rights, including the Covenant on Civil and Political Rights, Convention Against Torture, Convention on the Rights of the Child, and Convention and Elimination of Discrimination against Women. Guidelines for implementing the principles are outlined in Regulations of the Chief of the Indonesian National Police No. 8 of 2009 regarding Implementation of Human Rights’ Principles and Standards in the Discharge of Duties of the Indonesian National Police, No. 14 of 2011 regarding Ethical Codes of the Indonesian National Police.

According to both regulations, to observe human rights principles when examining victims, witnesses or suspects, police officers have to provide opportunities for interviewees to contact their lawyer and be accompanied by them before the interview begins. Officers are required to open the interview by asking about the state of interviewees’ health and their readiness to be interviewed. Next, they are required to explain the status of the interviewees and the need and purpose of the interview. They should ask the questions clearly, politely and understandably. They should also ask questions that are relevant to the purpose of the interview; consider and appreciate interviewees’ rights to provide information without restrictions; and provide opportunities for interviewees to fulfil their personal needs such as to have breaks, pray and have meals. The Indonesian National Police acknowledge that interviewees are entitled to seek justice, feel secure and be free from violence. Therefore, witnesses must not be put under undue pressure or be subject to torture to provide information.

Interviewing is used by investigators for two related investigative purposes: preliminary investigation and examination. The purpose of the preliminary investigation is to determine whether there is an offence in a reported case so that further investigation can be carried out. An examination is conducted when ‘the case concerned is formally declared a criminal action after a preliminary investigation, and a notice of commencement of investigation is submitted to prosecutors’ (Muniroh & Aziz, 2016, p. 9). In terms of Indonesia’s criminal justice system, an examination is situated near the border between investigation and prosecution. Interviews conducted during examinations form the basis of the written reports or dossiers that are presented to the prosecutor (Montana, 2016; Mou, 2017; Strang, 2008). The Indonesian model of interviewing uses a form filling approach. Following a question-answer-typing format, information
provided by witnesses is transferred by the interviewer into a document that has a question-answer format. To elicit information, police interviewers ask questions, listen to witnesses’ responses and type the information into a formatted document. The activities of asking, listening and typing are performed respectively and simultaneously (Komter, 2002, 2006; Van Charldorp, 2011, 2013, 2014). Each stage of the interviewing process is tailored to the formal and material requirements of the police report. Consequently, the direction of the interview is determined by what the police report should contain. Rather than conversational, the interview is legal in nature and the collection of evidence is emphasised.

According to the Regulation of the Head of the Criminal Investigation Agency of the Indonesian National Police No. 3 of 2014 regarding Standard Operating Procedures of Criminal Investigation, when interviewing witnesses, the following general procedures should be followed. The examination should be conducted in the Indonesian language. When the interviewee is not able to speak Indonesian, the interview should be mediated by a certified interpreter. The questions should be posed in intelligible Indonesian, politely and inoffensively. As much as possible, the examination process should be audio or video recorded. Investigators should write witnesses’ and suspects’ accounts in a police investigation report. The formal and material requirements of the police investigation report should be addressed. Formal requirements refer to the uniformity of the format of the report—that is, what should be written in which part. The material requirements suggest that the report should contain answers to seven kah questions concerning the elements of the offence—siapakah ‘who’, apakah ‘what’, dimanakah ‘where’, dengan apakah ‘with what’, mengapakah ‘why’, bagaimanakah ‘how’ and bilamanakah ‘when”—or six W questions (who, what, where, with what, why and when) and one H question (how), hereinafter referred to as ‘6WH + 1H’ questions.

The rules of questioning are set out in the regulations. In the initial stage of the interview, questions about witnesses’ health and their willingness to be examined should be asked before questions about what language they understand and whether they should be accompanied by legal counsel or another representative. In the main stage of the interview, questions should be about the case. The investigators should ask about the background of the case and compile a detailed chronology of the incidents as experienced by the witness. They should also examine any loss suffered by the witness as a result of the offence (for a restitution claim), exhibits that may be obtained or used as evidence, the relationship between the witness and other witnesses or suspects, and witnesses’
demands or expectation. In the closing part of the examination, investigators should ask the witness to read the investigation report produced during the interview. The witness should be given an opportunity to check their answers to each of the questions as typed in the report. Afterwards, the interviewer can ask whether witnesses need to change their responses or add further information to previously typed statements. Finally, the interviewer should ask the witness to confirm that force was not used during the eliciting of information and to sign the police report.

This model of interviewing has been used by Indonesian police since the Code of Criminal Procedure was enacted in 1981. It was refined in 2014 by the Regulation of the Head of the Criminal Investigation Agency of the Indonesian National Police. Under the existing model, cases are presented to court and perpetrators are convicted; however, false confessions and false convictions have also become indisputable issues within Indonesia’s criminal justice system (Bloodsworth, Garrett, Garcetti & Lehrfreund, 2015; Tengens, 2017). This suggests that the principles described above are not always put into practice. While an evidence-based interviewing model such as CI does not guarantee greater success, it greatly increases the likelihood that promising results will follow.

The evidentiary rules contained in Law No. 8 (1981) are complex. As mentioned above, in Indonesia, judges decide whether the evidence that reaches a court is acceptable. Five types of evidence are considered legally valid means of proof at trials (see Article 184 point (1)):

1. testimony of a witness;
2. testimony of an expert;
3. a ‘document’, which is somewhat narrowly defined to consist of public records, written testimony, or other documents which have a connection to the contents of another means of proof;
4. an ‘indication’, that is, testimony or documentary evidence of an act that tends to establish that an offense has occurred or the identity of the perpetrator; and
5. testimony of the defendant. (Wagner & Jacobs, 2008, pp. 211-212)

Any evidence falling outside the statutory framework, such as computer records, audio-video tapes and electronic recordings, cannot be taken as evidence (Strang, 2008; Wagner & Jacobs, 2008). To secure a conviction, the judge considers ‘testimony from at least two witnesses or evidence in at least two of the five categories of proof’ (Wagner & Jacobs, 2008, p. 212). Determination of the weight of evidence is more quantitative than qualitative (Strang, 2008). If a judge finds that a witness recanted their testimony in court due to the illegal treatment of police investigators during an interview, he or she summons
the police investigator(s) to court and examines them (cf. Article 163 of the Law No. 8 (1981)), thereby prolonging proceedings.

Indonesia’s justice system is inquisitorial. Importantly, CI resonates with adversarial traditions. In an adversarial justice system, as exemplified by the USA, ‘the quality of evidence is maintained by decisions of the judge on the admissibility of evidence’ (Van Koppen & Penrod, 2003). This means that the judge refers to exclusionary rules (i.e. evidence cannot be accepted if it is illegally obtained, such as via coercion or hypnosis). Additionally, this tradition requires that ‘all evidence is presented in court in its most original form’ (Komter & Malsch, 2012, p. 409). Thus, the use of electronic recordings has legal support. However, Indonesia’s evidential rules rely on written records of investigation, especially for general crimes (Bing Siong, 1961; Strang, 2008). In this tradition, as exemplified by the Dutch inquisitorial procedure, a ‘recording would only be checked when there are suspicions that things went wrong or when a written record is contested’ (De Keijser, Malsch, Kranendonk & De Gruijter, 2012, p. 627).

In Indonesia, although standard operating procedures emphasise the need to record the examination process when possible, such recordings are not items of legal evidence per se, except in cases of corruption, money laundering and terrorism⁶. Recording may only be used by investigators to check the accuracy of the investigation report, consult supervisors or experts, or anticipate inconsistent witnesses’ or suspects’ testimonies during interviews or trials.

In Indonesia’s civil code system, written documents form the central source of information around which police interviews are organised (Komter & Malsch, 2012; Malsch & Freckelton, 2009; Strang, 2008) and the basis from which judges can make decision. In light of this, and the fact that CI was created within an adversarial system of justice, there is considerable potential for challenges should CI be implemented in the

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⁶ Law No. 8 (1981) on the Code of Criminal Procedure does not refer to electronic materials (e.g. emails, SMS messages, sound recordings, photographs) as an item of legal evidence (Butt, 2008; Ramiyanto, 2017). Law No. 11 of 2008 regarding Electronic Information and Transactions (which was amended to Law No. 19 of 2016) expands the scope of legal evidence of Law No. 8 (1981) to include electronic materials. The expansion is due to the fact that ‘the rapid development and advance of Information Technology have contributed to changes in the people’s life activities in the various fields that have had direct effect on the emergence of new forms of legal acts’ (Law No. 11, 2008), such as white collar crimes – and more technologically-advanced ways of planning and committing them (Butt, 2008, p. 19)
Indonesian legal environment. Therefore, the careful adaptation of CI to Indonesia’s legal context is one of key aims of this thesis.

1.2 Research Questions

This research project is driven by three main considerations: first, the success of CI in eliciting accurate and reliable information from witnesses as evidenced in English language police interviews in the UK (e.g. Clarke et al., 2013; Griffiths & Milne, 2010; Holliday, Brainerd, Reyna & Humphries, 2009; Memon & Bull, 1991; Milne & Bull, 2002), Australia (e.g. Green, 2012; Hill & Moston, 2011; Tudor-Owen & Scott, 2016) and New Zealand (e.g. Schollum, 2005; Westera et al., 2016); second, the negative image of existing investigation practices in Indonesia; and third, recognition of a gap in research relating to the linguistic and legal viability of CI in Indonesia. In response to these considerations, the present study endeavours to address the following question: ‘How well can CI work in the Indonesian policing context?’ This question is supported by three sub-questions:

1) What are police investigators’ perceptions of their existing practices of interviewing witnesses?
2) How linguistically appropriate are CI instructions in the Indonesian language?
3) How legally viable is CI in the Indonesian policing context?

1.3 The Significance of the Study

This study is significant in that it addresses the development of a CI model in Indonesia by incorporating perspectives on police interviewing from linguistics, psychology and law. It is driven by gaps in the existing literature concerning the translation of CI and the lack of an evidence-based technique of interviewing in the present Indonesian policing context. The main contribution this research makes is in showing the micro- and macro-level processes involved in the adaptation of CI to an Indonesian policing context. On a practical level, it could help police investigators in Indonesia to professionalise their investigation processes, facilitate ethical investigation and ensure that information elicited during police interviews is accurate and reliable.

CI provides a common point of reference against which current Indonesian police interviewing practices can be described and analysed. Following on from this, another possible contribution is that, in adapting CI to the Indonesian policing context, a
comparison of discursive values and environments attached to CI, which have not previously been described and identified, can be undertaken. Therefore, this study contributes to institutional discourse research in the Indonesian context, which is a significantly underexplored field, and the global context in which CI has been widely applied. Moreover, as the linguistic and legal viability of CI has not been explored to any great extent in the literature of investigative interviewing and forensic psychology, this study can also enrich these areas.

Given the lack of research on CI and the language of police interviewing in Indonesia, this study requires the use of data collection techniques that can address the research questions, especially in relation to inquiries about language and the legal viability of CI in Indonesia. The Delphi method was chosen because of its ability to generate consensus or prediction on the issues being investigated by involving expert opinions. By using the Delphi technique to examine the appropriateness of CI instructions in Indonesian and the legal viability of CI in the Indonesian policing context, this study’s methodology offers an innovative analytical approach to a multidisciplinary study incorporating psychological, linguistic and legal perspectives. Further, the Delphi method resonates well with issues of linguistic complexity in the context of Indonesia’s multilingualism.

1.4 Outline of the Thesis

The thesis comprises eight chapters, including this introductory chapter. This chapter has introduced the context of the research and described the problems of investigation practices in the Indonesian policing context, and the linguistic and legal environment of police interviews in Indonesia. It has also outlined the research questions and the significance of the study.

Chapter 2 addresses the literature relevant to CI that has shaped this study. It explores CI from psychological, linguistic and legal perspectives. The psychological perspective is presented first because it introduces research into eyewitness memory and techniques to enhance memory, in which CI has its origins. The linguistic perspective provides explication of police institutional discourse and the sociolinguistic conditions of Indonesia; it also supports the analysis of the linguistic viability of CI presented in Chapter 5. Finally, the legal perspective presents operational and legal requirements of police interviewing of witnesses in Indonesia, which is crucial to the analysis of the legal viability of CI presented in Chapter 6.
Chapter 3 is concerned with the methodology used for this study. It describes the process by which the main research question and three sub-questions (outlined above) are addressed and includes a detailed delineation of the project’s research design, methods and procedures.

Chapter 4 discusses the findings of sub-question 1 in relation to police officers’ perceptions of their existing practices of interviewing witnesses. Identifying a gap between what officers perceive as humane investigation and how they perform in the field, it argues that Indonesian police need to be introduced to an evidence-based interviewing technique, namely CI. The results of this stage form a base from which the researcher investigates sub-question 2, which concerns the appropriate language for CI in Indonesia, and sub-question 3, which concerns the legal viability of CI in the Indonesian justice system.

Chapter 5 presents the results and discussion of sub-question 2. It argues that Indonesian CI instructions need to have three qualities of formality: respectfulness, professionalism and warmth. This kind of formality addresses values of social harmony and the institutional expectations of police interviews. The results suggest that direct translation from English into Indonesian is inadequate.

Chapter 6 concentrates on the legal viability of CI in the Indonesian policing context. It discusses two main findings: the legal regulatory environment of CI and beyond the legal regulatory environment of CI. The former refers to four areas of statutory law: witnesses’ rights, police conduct, recording witnesses’ testimony and police reports. The latter constitutes the usability and practical implication of CI. The chapter argues that, to fully realise CI, Indonesia will need to improve the regulatory framework to ensure CI implementation. Further, it highlights that CI is not just legally more reliable but also more just and fair.

The results of sub-questions 1, 2 and 3 are brought together and discussed in Chapter 7. It focuses on identifying a suitable environment for adapting CI in Indonesia to answer the main question of this research: ‘how well can CI work in the Indonesian policing context?’

Chapter 8 provides conclusions drawn from all chapters. It presents six principles for adapting CI in Indonesia and discusses the limitations of the study and recommendations for further research.
2.1 Introduction

This chapter reviews the literature that informs this study. Adapting the cognitive interview (CI) technique to the Indonesian language and legal system intersects the disciplines of psychology, linguistics and law. Greater emphasis is placed on linguistics, followed by law. The literature relating to psychology, although examined first, is shaded by discussion of these disciplines. The literature on psychology aids in understanding witnesses’ memories and the best language to use to access memories for successful investigations. Section 2.2 argues that the best way to access memory is through the language that witnesses think in (i.e. the language of first thought). Therefore, English CI instructions translated into Indonesian need to take into account the variety of languages that are spoken by the majority of Indonesian witnesses. This section also discusses how CI in English-language interviews can elicit accurate and reliable accounts when used with native speakers of English, and how jurisdictions with inquisitorial justice systems accommodate CI.

In Section 2.3, the literature relating to linguistics is examined to understand CI (in the context of Indonesian police interviewing) as a form of institutional discourse that can be applied to Indonesia’s sociolinguistic conditions. Adapting CI to the Indonesian police investigation process enables the researcher to understand the linguistic consequences of using the technique in different (socio)linguistic contexts. This section highlights the (in)formality of the police institutional discourse and examines the different varieties of the Indonesian language that might be appropriate for CI retrieval strategies.

Literature in law relating to the current framework of witness investigation by Indonesian police is discussed in Section 2.4. After demonstrating that existing procedures are not designed to elicit detailed and reliable memories, this section argues that there is scope to incorporate CI in Indonesian police investigations.

The three broad areas of literature reviewed below shape the current study and substantiate its investigation of CI for criminal investigations in police interviewing of witnesses in Indonesia.
2.2 Psychological Perspectives on CI

Psychological perspectives on CI serve as a departure point from which to discuss the importance of adapting CI in the Indonesian policing context. This section comprises two parts: a review of witnesses’ memory and language (Section 2.2.1) and the best practice model of interviewing witnesses (Section 2.2.2).

2.2.1 Witness Memory and Language

Many studies in the area of cognitive and language science discuss witnesses’ memories and the effects of language on memory. The area of witness memory is largely approached by cognitive psychologists as mental processes that delineate how memory retains information, the fragility of memory and how questioning styles affect memory retrieval (e.g. Anderson, 1976; Archibald, Levee & Olino, 2015; Bauer, 2015; Gudjonsson, 2017; Kaplan, Van Damme, Levine & Loftus, 2016; Milne & Bull, 1999; Schank, 1980; Toglia, Read, Ross & Lindsay, 2007; Wang et al., 2018). Complementing such research, other studies examine how witnesses’ language affects the amount of detailed information as captured by psychologists (e.g. Allison, Basquin & Gerwing, 2017; Gültekin, 2018; Smith, Multhaup & Ihejirika, 2017) and linguists (e.g. Cardini, 2010; Chafe, 1973; Filipovic, 2013; Liu & Tree, 2012; Matsumoto & Stanny, 2006; Pavlenko & Volynsky, 2015). This study requires the researcher to explore witness memory and language from both cognitive and language perspectives, respectively, in relation to police interviewing.

Researchers have drawn connections between three underlying processes of memory: encoding, storing and retrieving information. Fisher and Geiselman (1992), and Milne and Bull (1999), explained that the first process is to create memory, which is referred to as encoding. This process involves the source of the information and transformation of the physical input into a mental representation or memory code. The memory code of two people witnessing a crime might be different due to factors such as different emotional reactions, thought patterns, portions and scope of attention, or physical environment at the time of the crime (Fisher & Geiselman, 1992; Milne & Bull, 1999). Having been encoded, the representation is then stored in memory, either in sensory, working or long-term memory. As several studies have shown, information that is retained for long periods of times relies on the frequency of repetition and whether the information is trivial or important to the mind (cf. Chafe, 1973). In police interviews, the process of retrieving information is carried out under the command of investigators. Witnesses are asked to
recall memories of specific past events and experiences. Researchers have examined how police investigators execute the request, and the quantity and quality of information retrieved during this process.

Importantly, some factors influencing the encoding of events were also found to affect memory retrieval (Schwabe, Wolf & Oitzl, 2010). Emotional reactions, such as stress, have been examined more extensively than other factors (e.g. Guenzel, Wolf & Schwabe, 2013; Quesada, Wiemers, Schoofs & Wolf, 2012; Reisberg & Heuer, 2017; Schwabe, 2017; Schwabe, Joëls, Roozendaal, Wolf & Oitzl, 2012; Schwabe & Wolf, 2014; Schwabe et al., 2010; Shields, Sazma, McCullough & Yonelinas, 2017; Wolf, 2009). A number of studies have reported inconsistent findings about the effects of stress on the performance of memory. Several scholars argued that stress enhanced encoding (e.g. Christianson & Loftus, 1987; Nater et al., 2007; Payne et al., 2007; Shields et al., 2017). However, others found that stress impaired encoding (e.g. Elzinga, Bakker & Bremner, 2005; Maass & Köhnken, 1989; Payne et al., 2007; Shields et al., 2017). Nevertheless, there seems to be a negative correlation between the quantity and quality of information recalled under stressful conditions, for despite the fact that stress reduces the amount of information recalled, it improves its quality. This is due to the association of stress with the narrowing of the scope of witnesses’ attention. For example, if a weapon causes fear, witnesses can often produce more accurate information about the weapon than about the perpetrator holding it (Milne & Bull, 1999). Recent research suggests that the timing of the recall also matters (Schwabe & Wolf, 2014). According to Schwabe and Wolf (2014), stress is less likely to impair memory encoding\(^1\) if the recall process occurs immediately after the event stored (i.e. the time when the stress hormone cortisol\(^2\) is still elevating). Cortisol reaches its peak 20–30 minutes after the storage process is complete and its effects can remain for more than 90 minutes, after which the recall process is likely to be impaired.

Considering the range of factors influencing recall, questions have been raised about why witnesses can remember some features of an event but not others. Successful memory

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\(^1\) When people feel stressed, the stress hormone cortisol is elevated. Elevation of cortisol enhances memory consolidation (i.e. transfer from unstable/short term memory to stable/long term memory). In contrast, it reduces the capacity of memory to retrieve information. To get optimal performance of memory, cortisol should be in moderate levels. Both very low and very high cortisol are detrimental to memory performance (Souza-Talarico, Marin, Sindi & Lupien, 2011, p. 9).

\(^2\) Cortisol is the main stress hormone in human’s body.
retrieval relies on recognising the features of memory. From a psychological perspective, events are identified as 'pooled features' (Fisher & Geiselman, 1992). When an event is stored in memory, it is recorded as layers of codes with different levels of specificity. What usually enters a witnesses’ mind in the first instance is general information about the event (e.g. what the event was about). When prompted to provide more and more information, witnesses may proceed to the next level of specificity in which they provide coarse-grain detail (e.g. they tell more about a set of actions they see in their mind). Activating the sensory memory code of the event can achieve recall of fine-grained details so that witnesses are able to provide descriptive information about particular aspects of the event (see Fisher & Geiselman, 1992; Goldsmith, Koriat & Pansky, 2005). Goldsmith et al. (2005) argued that witnesses exercise strategic control in choosing which layers of code to report. Conversely, Fisher and Geiselman (1992) emphasised the power of police officers’ probing skills in activating the most detailed level of representation (see also Paulo, Albuquerque & Bull, 2015; Paulo, Albuquerque, Saraiva, et al., 2015). Therefore, understanding how memory works to produce accurate information is clearly important. Determining the accuracy of witnesses’ memory across languages (i.e. witnesses’ native and second language) is also crucial, especially in the context of this thesis, which focuses on Indonesian witnesses who tend to be bilingual.

The difficulty of accessing detailed memory code means that both witnesses and police need to work hard to generate accurate memories that are also detailed (Fisher, 2010; Fisher & Geiselman, 1992). Witnesses need to spend time in deep concentration and to tell the story at their own pace (Dando, Wilcock & Milne, 2009; Memon, 2006). To facilitate this accessing of detailed code, police need to formulate appropriate questions and avoid interrupting witnesses’ narration (Dale, Loftus & Rathbun, 1978; Fisher & Geiselman, 1992; Loftus & Palmer, 1974; Loftus & Zanni, 1975; Memon, 2006; Shepherd & Griffiths, 2013). The presence or absence of detailed information in witnesses’ accounts is also influenced by the language used across the encoding and retrieval processes. Although a relatively new focus, the effects of second languages on memory accuracy have been discussed by psychology and law researchers (e.g. Allison et al., 2017; Gültekin, 2018; Smith et al., 2017), and cognitive linguistics researchers (e.g. Cardini, 2010; Filipovic, 2013; Filipović, 2011; Liu & Tree, 2012; Pavlenko & Volynsky, 2015).

Gültekin (2018) compared the quantity of information provided by witnesses across three conditions: in native language, in second language and in second language with the aid
of an interpreter. Witness memory was tested via free recall,\(^3\) cued recall,\(^4\) recognition,\(^5\) questioning and self-reports. Gültekin (2018) emphasised that, due to methodological errors, the results, which showed that language barriers do not significantly affect accuracy, were inconclusive. Nevertheless, some of the results convincingly revealed that language barriers do affect the accuracy of recalled information. Witnesses recalling and providing information in second languages and second languages through interpreters obtained poorer memory results probably because their cognitive resources were exhausted when switching languages between encoding and retrieval. The implication for this thesis is that the language of witnesses is important when English CI instructions are translated into Indonesian, especially given Indonesia’s linguistic landscape and diglossia (discussed further below). However, when the proficiency of witnesses in Indonesian as a second language is at least moderate, the accuracy of their testimony will be as high as that obtained from native Indonesian speakers. This satisfying result can be produced only if the interviewer uses free recall questioning and approaches witnesses in a face-to-face dialogue.

The importance of this approach is reinforced by Allison et al. (2017), who examined the accuracy of the testimony of English as a Second Language (ESL) witnesses during free recall and cued recall questioning. The results showed that free recall using face-to-face dialogue was superior in achieving accurate ESL witness testimony; indeed, the results were the same as with native English witnesses. Allison et al. (2017) also investigated the accuracy of ESL witness testimony in contemporaneous notes made by police officers during free recall and cued recall questioning. Following the same pattern, free recall in face-to-face dialogue provided richer and more accurate data for officers’ notes. Although such notes were said to be helpful for making formal police investigation reports, they were identified as problematic, as they were not verbatim and relied on how police reorganised and reworded what witnesses said. As a result, the notes often missed detailed information about the crime. This is also because the nuances conveyed by non-native witnesses are not always noticed by native-speaking listeners. Allison et al.’s (2017) study adds to the researcher’s understanding that, with free recall questioning of CI, recording

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\(^3\) Free recall typically involves open-ended questions that do not lead witnesses to particular answers.

\(^4\) Cued questioning probes particular areas interviewers want to know more about.

\(^5\) Recognition tests allow witnesses to choose images and report whether they were included in the filmed event they had witnessed or not.

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Filipovic (2011, 2013) showed that English-speaking witnesses are better at describing agents (i.e. people who commit an action) than Spanish-speaking counterparts but less helpful in describing whether an action is intentional or not. This is because English does not have an equivalent structure of language to refer to a situation in which the cause of an event is not intentional. Similarly, a comparative study of English and Italian speakers (Cardini, 2010) found that English speakers are more accurate when describing motion than Italian peers. These studies demonstrate that the quantity and quality of witnesses’ testimony is constrained by the typological features of their language. More interestingly, in relation to cues that are used to access memory, Matsumoto and Stanny (2006) suggested that memory appeared to be well encoded in a specific language. In the context of bilingual speakers, using cues that are the same as the speaker’s language of their first thought, which is also the language of their memory encoding, has been proven to improve memory (French & Jacquet, 2004; Marian & Neisser, 2000; Matsumoto & Stanny, 2006; Schrauf & Rubin, 2000, 2003, 2004). This resonates well with Gültekin (2018) in that witnesses should not need to switch language across encoding and retrieval, which has the potential to exhaust cognitive resources. With regard to Indonesia, this raises the question: what is the language of Indonesians’ first thought?

As discussed in Chapter 1, Indonesia is a multilingual country. Indonesian is the singular language of the nation (Errington, 2014); however, it coexists alongside 719 regional languages, 707 of which are still living and 12 are extinct (Simons & Fennig, 2018). Historically, many Indonesian people have used their regional language as their first language, only learning Indonesian later as a second language in schools (see Sneddon, 2003b). The past generation has witnessed a change, particularly in urban areas where many people now grow up bilingual and are fluent in both their regional language and Indonesian from an early age (Cohn & Ravindranath, 2014). This suggests that, in urban life, ‘knowledge of Indonesian can be acquired not only through education, but through exposure and inter-ethnic contacts as well’ (Steinhauer, 1994, p. 758). In fact, many parents now use Indonesian (or their own variety of Indonesian) with their children rather than their regional language (Cohn & Ravindranath, 2014; Errington, 2014; Steinhauer, 1994). This is a common feature of urban communities ‘where ties with traditional culture are weak and career perspectives [are] dependent on diplomas’ (Steinhauer, 1994, p. 773).
It follows that the use of Indonesian is considered more appropriate for inter-ethnic contacts than regional languages (Steinhauer, 1994).

English is recognised as an international language in Indonesia and, considering its function as the language of wider communication, is regarded as the most important foreign language to be compulsorily taught in schools (Aziz, 2003a; Lauder, 2010). The introduction of CI in English relates to ‘the metaphor of English as a tool (alat), which is to be made use of by Indonesians to bring in selectively specific information, knowledge and technology that would accelerate development’ (Lauder, 2010, p. 13). However, for accurate memory recall, CI needs to be in line with the first language of memory encoding, as described above. Therefore, there is an urgent need to translate English CI into Indonesian.

In this linguistic landscape, it might be assumed that Indonesian witnesses encode memory in their regional language or in Indonesian. However, the number of Indonesian speakers (Cohn & Ravindranath, 2014) suggests that Indonesian is likely to be the most common language of witnesses’ first thought, especially in urban populations (Steinhauer, 1994). In the context of police interviewing of witnesses, the language of memory encoding is closely related to the issue of language choice based on the degree of formality, as language choices cannot be separated from the community or setting that language functions in. As far as the researcher is aware, no studies have investigated which language is psychologically dominant among speakers in different language scenarios in Indonesia.

An approach to memory that takes into account the notion of multilingualism and the typological features of language, as articulated by experts such as Gültekin (2018), Allison et al. (2017), Filipovic (2013), and Matsumoto and Stanny (2006), offers a novel way to account for the significance of building interviewing cues that match the language of first thought. Such an approach is used in this study. However, because Indonesian is so widespread, and because the language of policing and judicial systems is the focus of my study, I use Indonesian (rather than regional languages) as the basis for developing appropriate CI instructions for urban communities, especially for those in Bandung and Jakarta—two major cities in West Java. A detailed description of the proposed research model is provided below. Further elaboration of the sociolinguistic situation in Indonesia is provided in Section 2.3.2.
2.2.2 The Best Practice Model of Interviewing to Enhance Witnesses’ Memory: Cognitive Interview (CI)

As an investigative interviewing model, CI has been proven to generate detailed information from witnesses in English-language interviews. It was developed by Geiselman and his cohort in 1984 (Colomb et al., 2013; Fisher & Geiselman, 1992; Fisher, Geiselman & Amador, 1989; Geiselman, 1999; Geiselman et al., 1984; Geiselman, Fisher, MacKinnon & Holland, 1985; Ginet & Py, 2001; Ginet et al., 2014; Ginet & Verkampt, 2007; Loney & Cutler, 2016; Verkampt, Ginet & Colomb, 2014). The key features of the original CI model comprise four guided retrieval strategies: reinstating contexts of an event cognitively, reporting everything, recounting events in different orders and changing perspectives.

The context reinstatement strategy is mainly directed at making witnesses conscious that they are engaging in an act of remembering a criminal event and are recollecting previously acquired knowledge that was stored in their mental record (Fisher & Geiselman, 1992; Memon, 2006). The report everything instruction is used to encourage witnesses to verbally describe everything from their memory, whether it seems trivial or not (Fisher & Geiselman, 2010). This requires investigators to actively listen to the complete description of events and be attentive to any gestures or other non-verbal cues, such as (dis)comfort or pauses, that might signal the need to apply further instruction (Fisher & Geiselman, 1992; Memon, 2006). Changing the order of recall is expected to enable the retrieval of different information from that already provided in a straightforward narrative order. In this strategy, the witness is required to describe the incident backwards, from the end to the beginning, or to describe the incident starting from the middle (Fisher & Geiselman, 1992; Memon, 2006). Changing perspective is intended to force a change in the retrieval processes of the brain by asking witnesses to recall the event from another perspective (Fisher & Geiselman, 1992; Memon, 2006). A valuable aspect of CI is that it relies on highly detailed understandings of how memory works. It provides insight into how best to communicate with witnesses to provide the most reliable evidence possible in court.

In consideration of the importance of the sequencing of questions and flow of information, Geiselman and his colleagues refined the interview procedure in the early 1990s (Fisher & Geiselman, 1992). Enhanced CI (ECI) combines the four mnemonics of CI with several techniques to facilitate communication: rapport building, transfer of
control of the interview from the interviewer to the witnesses, focused retrieval and interviewee compatible questioning (Memon & Bull, 1991; Memon & Higham, 1999). The added techniques are crucial for conducting good investigative interviews (Paulo, Albuquerque & Bull, 2018).

The rapport building strategy works from the premise that the relationship between the interviewer and witness is an important factor in obtaining a successful interview outcome. The inference is that witnesses play a central role in the interview process; therefore, creating a relaxed, engaging environment motivates witnesses to maximise their cognitive resources and provide more detailed accounts (Fisher & Geiselman, 1992; Risan, 2017; Risan, Binder & Milne, 2017). This strategy is associated with a humanitarian style of interviewing (Holmberg & Madsen, 2014; Madsen, 2010). The transfer of control strategy suggests that witnesses play an active role in generating information because they possess all of the relevant information (Fisher & Geiselman, 1992). Accordingly, ECI encourages witnesses’ participation in the interview, which means that the interviewer is not dominant. The focused retrieval strategy sees the interviewer encourage and assist the witness to generate focused concentration (Fisher et al., 1989). This strategy can be achieved if witnesses feel comfortable and are given unlimited time to search through their memory (Köhnken et al., 1994; Memon, 2006). The interview compatible questioning strategy eases communication, increasing the amount of detailed information recalled (Brunel, Py & Launay, 2013; Fisher & Geiselman, 1992).

It was found that ECI was able to elicit considerably more correct information (45 per cent) than the original version of CI (Fisher, Geiselman, Raymond & Jurkevich, 1987). Today, the terms CI and ECI are used interchangeably by researchers and practitioners to refer to the collection of mnemonics described above. Thus, for the purpose of this research, the term CI is used as an umbrella term embracing both CI and ECI.

CI is not the only memory enhancing technique in police interviewing. Several other techniques have been identified through research conducted in laboratory settings, such as standard interview and hypnosis. Kebbell and Wagstaff (1998) argued that CI is preferable to hypnosis. Although they have the same ability to optimise eyewitness memory performance (Geiselman et al., 1985; Whitehouse et al., 2005), hypnosis has been shown to decrease the reliability of witnesses’ answers and rate of accurate recall,
and increase the incidence of false confidence in incorrect information and suggestibility (Kebbell & Wagstaff, 1998, 2006; Schefflin, 2012).

The standard interview technique has been shown to generate considerably less accurate information than CI (Brunel & Py, 2013; Geiselman et al., 1985; Köhnken et al., 1999; Köhnken et al., 1995). This is due to the lack of linguistic features (such as open-ended questions and explicit requests to give detailed accounts) in the instructions to elicit information.

Confirming CI’s effectiveness among various population groups, research has been conducted on children (e.g. Brubacher, Powell & Roberts, 2014; Dietze, Powell & Thomson, 2010; Gentle et al., 2013; Holliday, 2003; Holliday & Albon, 2004; Saywitz, Geiselman & Bornstein, 1992; Steward, Bussey, Goodman & Saywitz, 1993; Verkampt & Ginet, 2010; Verkampt et al., 2014), older adults (e.g. Dodson, Powers & Lytell, 2015; Holliday et al., 2012; Köhnken et al., 1995; McMahon, 2000) and adults with intellectual disabilities (e.g. Clarke et al., 2013; Milne, Clare & Bull, 1999; Wright & Holliday, 2007b). In addition, CI has been revealed effective across a range of socio-economic classes, including university students (e.g. Geiselman et al., 1985) and cleaning service staff (e.g. Stein & Memon, 2006).

Research also broadly suggests that CI can work in languages other than English. This is supported by the fact that CI’s efficacy has been established in Indo-European countries such as Brazil (e.g. Stein & Memon, 2006), France (Colomb et al., 2013; Ginet et al., 2014; Launay & Py, 2015), Spain (Campos & Alonso-quecuty, 1999; Campos & Alonso-quecuty, 2008) and Germany (e.g. Aschermann et al., 1991; Köhnken et al., 1995; Köhnken et al., 1994). These studies consistently show an increase in the amount of information recalled when CI is used rather than the standard interviewing technique. Most studies measure CI’s ability to elicit information by scoring the number of correct–incorrect items generated. However, insufficient attention has been paid to the matter of which CI instructions work best to contribute to correct memory recall.

Research shows that CI has been adopted by countries that have an inquisitorial criminal justice system, such as Brazil (e.g. Stein, de Avila & Benia, 2016), France (e.g. Demarchi et al., 2016) and Portugal (e.g. Peixoto, Ribeiro, Fernandes & Almeida, 2016). As these countries have also experienced a process of legislative change (or police reform through legislation) in relation to rules for collecting testimonies in the form of free narratives and
mandatory electronic recording, their experiences may prove beneficial for adapting CI in Indonesia, a country that likewise functions under an inquisitorial justice system.

The subject of CI training has been widely discussed in police interviewing literature, including training in CI research with students (e.g. Fisher et al., 1989; Geiselman et al., 1985) and in the field with practitioners (Clarke & Milne, 2001; MacDonald et al., 2017; Memon, Holley, Milne, Koehnk en & Bull, 1994; Milne & Bull, 1999). Issues highlighted in this literature relate to the effectiveness of some CI techniques—report everything and context reinstatement were considered the most effective, while change order and change perspectives were perceived as the least useful and were the least used (Brunel & Py, 2013; Dando, Wilcock & Milne, 2008; Kebbell, Milne & Wagstaff, 1999; Memon, 2006); issues of time—CI takes more time than standard interviewing (Kebbell et al., 1999); and duration of training—most researchers suggest that at least two days of training are needed (Fisher & Geiselman, 1992). These insights can be usefully applied in the context of CI training in Indonesia.

It has been established that CI instructions work best in a framework of open-ended questions in which CI strategies are embedded, and that any increased volume of information generated can be explained as the result of investigators using these CI properties (Allwood, Ask & Granhag, 2005; Fisher, Falkner, Trevisan & McCauley, 2000; Fisher & Geiselman, 2010; Griffiths & Milne, 2010; Memon, Cronin, Eaves & Bull, 1996; Rivard, Fisher, Robertson & Hirn Mueller, 2014). Yet, the wording of questions remains paramount to the success of memory retrieval. Psychologists such as Loftus, Palmer and Zanni (see e.g. Loftus & Palmer, 1974; Loftus & Zanni, 1975) have demonstrated the influence of word choices to memory retrieval, and linguists such as

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6 This is based on a traditional typology of questioning (highlighting its ‘form’ rather than ‘function’) (Grant, Taylor, Oxburgh & Myklebust, 2016; Oxburgh, Myklebust & Grant, 2010). In this classification, open-ended questions allow a full range of responses. Current research in classification of question types suggests that there are two types of open-ended questions: appropriate and inappropriate. Only an appropriate open-ended question can elicit long responses. An inappropriate one might interrupt the speech of the witness due to inappropriate insertion in conversational turns (Dodier & Denault, 2018, p. 267). For the purpose of this thesis which involved lay participants (i.e. non-linguists), the researcher utilised this traditional classification of questioning in the instruments of data collection and then their analysis. Expressing the types of question in structural terms would be more straightforward for them as they would be familiar with this typology (i.e. they have encountered these in training or learning from existing regulations), than using the function of the questions (Grant et al., 2016, p. 35). Moreover, this thesis does not employ natural data of police interview, so it lacks space to explore question classification based on functions.
Heydon (1997b, 2005, 2007b), Gaines (2011) and Haworth (2013) have shown how language or discourse work in police interviews via the wording of questions.

Heydon (1997b, 2005, 2007b) found that use of informal naming rituals (i.e. the use of first name and without a title) and receipt markers (e.g. OK, right or certainly) in police interviews with children aged eight to eleven years made the discourse less formal. This indicated ‘the caring attitude of the police officer and a genuine concern for the comfort of the child’ (Heydon, 1997b, p. 21). Gaines (2011) interpreted a discourse particle okay in police interviews as having multifunction, namely task management, solidarity overture, and confrontation. Haworth (2013) showed that wording choices of police interviewers were influenced by their orientation to the audience of police interviews. As the orientation was to the taped/audio format, for example the interviewers were found to use deictic forms (e.g. this morning) to indicate that the audience was present in the temporal frame of the interview, otherwise they added a temporal locator to address someone outside the frame (e.g. Saturday the 6th of January).

In this regard, several notable CI researchers, such as Fisher and Geiselman (1992), Bull and Milne (1999), Memon (2006), and Shepherd and Griffiths (2013), have provided alternative phrasings for each mnemonic (see Appendix 1). For example, when asking witnesses to reinstate the context of an event, Fisher and Geiselman (1992, p. 100) suggest the following:

Try to put yourself back into the same situation as when the crime was committed. Think about where you were standing at the time, what you were thinking about, what you were feeling, and what the room looked like.

To realise the same mnemonic, Shepherd and Griffiths (2013, p. 313) offered a different form of words:

I’d like you to take yourself back to [state a point in time = start point]. Now concentrate really hard. I’d like you to tell me every little bit of detail that you remember. Tell me everything that’s in your mind’s eye. What you see, what you hear, what you smell, what you touch, what thoughts were going through your mind, what you’re feeling even how you felt physically. Don’t hold back on telling details. Don’t hold back detail that strikes you as obvious. Don’t hold back detail that you think anyone would know. Don’t hold back detail that you think I might already know. There can’t be too much detail.

There’s no rush. Take your time. Tell me everything that you remember from [re-state the start point] up to [state end point].
From both examples, it seems that, to help the witness remember events, police interviewers need to explicitly ask interviewees to orient their mind to the past and imagine what they were doing at the time and encourage witnesses to provide as much detail as possible. Yet, despite wide training and usage of CI, few CI researchers have published work that demonstrates how, or in what ways, CI instructions are actually worded in real-life interviews, and whether police investigators actually implement the wording suggested by Fisher and Geiselman or Shepherd and Griffiths or a derivation of the two. Notable exceptions include research conducted by Westera, Powell and Milne (2017) that captures the police in New Zealand implementing CI (or probably its derivatives) in gathering information from witnesses of a sexual assault from the perspective of prosecutors, and research by Heydon (1997) that investigates embedded requests in police Video and Audio Taping of Evidence (VATE) interviews with children.

Westera et al. (2017) criticised CI as used by the New Zealand police, arguing that its instructions were too wordy. More importantly, given that prosecutors prefer coherent and concise testimony, the witnesses’ accounts obtained with CI were also too long, unstructured and detailed. To tackle this, they recommend that CI be adapted to meet the investigative and evidential requirements of interviewing. I agree with their recommendation; however, since police interviewers practising CI often produce problematic instructions that are confusing or contradictory, it is necessary to consider conducting research on the effectiveness of the wording of CI questions, thereby potentially substantiating and extending Westera et al.’s (2017) recommendation.

CI instructions for adult complainants often take the form of imperatives or blunt requests, such as ‘tell me’ or ‘describe to/for me’. Heydon (1997a) identified the use of embedded requests in police VATE interviews with children in Australia. She argued that rather than ‘can you remember’ and ‘do you know’, a more effective way to elicit information is to ask ‘can you tell me/describe to/for me’ and ‘do you remember’. Between ‘can you tell me’ and ‘can you describe to/for me’, witnesses are more likely to feel obliged to respond to the latter request. Certain features of institutional discourse, such as discoursal indicators and receipt markers, also contribute to the success of information elicitation.

Psychology research broadly suggests that CI will work in other languages, but it does not reveal exactly how to achieve this. Therefore, any future research on the use of CI across languages and cultures is reliant on being able to establish whether language or word choices affect the memory retrieval process and, hence, the quality of information.
provided by interviewees. To achieve this, future research needs to take a much more detailed and analytical approach, including precision as to the language under investigation.

If CI is to supplant other interviewing techniques and practices in a place like Indonesia, it must operate in a vastly different linguistic setting to those of prior research studies; therefore, the appropriateness of CI instructions in Indonesian can not be ignored. As there is no research on CI instructions in real-life police interviews, this study mostly refers to examples provided by previous CI researchers. Sociolinguistic studies on institutional discourse and register (i.e. language variation) are discussed in Section 2.3 to frame the analysis of the transfer of English CI instructions to Indonesian.

2.3 Linguistics Perspectives on CI

This second area of review examines linguistic perspectives on CI, focusing on police institutional discourse (Section 2.3.1) and the sociolinguistic conditions of the Indonesian language (Section 2.3.2).

2.3.1 Police Institutional Discourse

As mentioned, this research draws partly on the sociolinguistic framing of institutional discourse to examine the appropriateness of CI in Indonesian. This section elaborates the institutionality of police interviews. Attention is paid to the construction of institutional interactions and the linguistic devices used by police officers in interviewing witnesses.

What we know about institutional discourse is largely based on interactional sociolinguistic studies investigating discourse practices across a variety of institutional settings. Several attempts have been made to define what institutional discourse is (e.g. Drew & Heritage, 1992; Drew & Sorjonen, 1997; Heydon, 2005; Ilie, 2001; Mayr, 2008; Sarangi & Roberts, 1999; Thornborrow, 2002). The literature shows that defining institutional talk in terms of its points of difference to non-institutional (or ordinary talk) is not the preferred method used by most researchers. Such an approach can produce a false division of the two forms of talk, resulting in what counts as ‘ordinary’ being seen as problematic when, in fact, the speech activities deployed in institutional talk are also deployed in ordinary conversation. This argument is advanced by Drew and Heritage (1992), Heritage and Clayman (2011), and Thornborrow (2002). Drew and Heritage (1992, p. 21) stressed that ‘we do not accept that there is necessarily a hard and fast
distinction to be made between the two in all instances of interactional events, nor even at all points in a single interactional event’. If we keep the dichotomy, it follows that ‘incursion for “ordinary” talk into contexts for institutional interaction’ might occur (Thornborrow, 2002, p. 3).

With this in mind, researchers tend to prefer to approach institutional discourse as talk that is produced at the interplay of participants’ identities and activities, and institutional goals. In light of this, I draw on the definition proposed by Drew and Heritage (1992) and Drew and Sorjonen (1997). Accordingly, the institutionality of talk is about whether one or more participants engaged in an interaction in any setting make their institutional or professional identities relevant to their work activities and pursuant to broader institutional goals. For example, an interaction between police interviewers and a doctor at his home following a robbery can be classed as police institutional discourse provided the police play the role of interviewers eliciting information from a subject who is the victim of a crime. Conversely, an interview between a police officer and a doctor would not be classed as police institutional discourse if the participants were engaged in a conversation about the police officer’s symptoms of illness. ‘Police talk’ or ‘doctor talk’ may have the appearance of a ‘normal’ conversation, but such talk is constrained by the norms and expectations of its genre of institutional talk, wherein certain kinds of language-in-use strategies are allowable and others are not.

Beyond concerns with the norms of institutional talk, researchers are also attentive to the distinctive features of institutional discourse. Drew and Heritage (1992) suggest that the distinctiveness of institutional discourse is shown in the particularity of its turn-taking organisation, overall structural organisation of the interaction, sequence organisation, turn design, lexical or word choice, and epistemological (and other forms of) asymmetry. Further, they recognise that institutional talk has a formal character that is evident in the uniformity of the pattern of interaction between participants as a result of distributional asymmetries in the patterning of activities, for example, in the asking and answering of questions between a police officer and a witness. Unsurprisingly, they also acknowledge the presence of informality in institutional talk, for example, in a doctor-patient encounter when the patient is overly emotional and the doctor displays empathy. Such encounters challenge the main character of formality, for as the talk becomes more conversational, the degree of formality decreases. However, as Drew and Heritage (1992) contend, provided the participants operationalise their identities, the discourse remains institutional regardless of the nature of the language expressed. Norms, features and characters of
institutional discourse do exist but they are not static; instead, they allow for intrusion from ‘ordinary talk’. Hence, it is far better to negotiate the differences between institutional and ordinary conversation than to make a clear distinction between them.

There is no doubt that, as a form of police institutional discourse, police questioning of victims, witnesses or suspects involves the same basic norms and features of institutional talk. There are many studies of police institutional discourse, such as those focusing primarily on discourse structure and discourse strategies (e.g. Benneworth, 2004, 2009; Gaines, 2011; Haworth, 2009, 2013, 2017; Heydon, 1997b, 2002, 2004, 2006, 2007a; Rock, 2013), asymmetry of power between participants in police interviews (e.g. Haworth, 2006; Heydon, 2003, 2004), and formality and style in police interviews (Ainsworth, 1993; Heydon, 2007b). However, few research results challenge the norms and features of police institutional discourse. Heydon’s research on the language used by police when interviewing suspects and child witnesses shows how such norms are challenged and, in doing so, provides a good base for this study, which examines norms in Indonesian police institutional discourse.

Heydon (2004) argued that, when interviewing witnesses, police officers’ discursive structure is shaped more by their institutional roles than their intention to gain voluntary confessions. Her argument, which is based on her analysis of transcripts of three police interviews with suspects from rural Australia, utilises two main tools: participation frameworks and participant roles. At nearly every stage of the interviews, the suspects were unable to fulfil an ideal participation framework; this was due to the interviewing officers’ use of controlling questions in the middle stage, and formulaic utterances at both the opening and closing stages. Talk was dominated by the officers. From the perspective of the police, this can be understood as a matter of balancing authority, institutional goals, and solidarity or rapport with the people being interviewed. Police investigators face various pressures, and research on police institutional discourse has shown that such pressures often manifest in the use of language. This is typical of police institutional discourse. However, whether this kind of typicality or discursive structure is also present in police interviews of witnesses (as opposed to suspects), more particularly adult witnesses, remains to be seen. My study does not set out to answer this question; yet, in articulating how institutional discourse is predominantly shaped by police power, it may provide a partial response.
Another study by Heydon (1997b) shows that, with different interlocutors, in this case child witnesses, police officers can deviate their interactions from the conventional norms of formality and asymmetry of police institutional discourse. This is evident in the emergence of naming rituals (e.g. addressing themselves and other officers by first names without rank or title) and receipt markers to show acknowledgement of the child’s response (e.g. ‘okay’, ‘right’ and ‘certainly’). Such changes signal the police officer’s attempt to balance their dominant role in interviewing with the child’s need to feel safe and secure. Data in Heydon’s study (1997a) were derived from the transcripts of seven videotaped interviews between police officers and children aged eight to eleven years. Again, this raises the question of whether such practices (i.e. deviation from norms) occur when adult witnesses are interviewed. Regardless of age, when witnesses feel safe and secure, information is usually given voluntarily.

As a consequence of the linguistic framework used, Heydon’s (1999, 2004) discussion is concerned with discourse structure and the practices of participants. Such a framework is not intended to reveal the speech style of either police officers or the people under examination. However, Ainsworth’s (1993) research sheds light on these matters. According to Ainsworth (1993), police in the United States of America value assertiveness, directness and unqualified speech registers. For example, indirect speech registers used by suspects in response to police instructions regarding Miranda rights are likely to be misunderstood by police as evidence of suspects declining such rights. Indirect speech registers are characterised by the use of hedges, tag questions, modal verbs, indirect interrogatives as substitutes for imperatives, and rising intonation used in declarative sentences (Ainsworth, 1993; Erickson, Lind, Johnson & O’Barr, 1978). Thus, both witnesses and suspects should be careful about phrasing their responses, as they may carry legal implications; they should also be aware of the directness of law enforcement officers’ language style (Ainsworth, 1993; Semin & De Poot, 1997). Ainsworth (1993) showed that Arabic, Farsi, Yiddish, Japanese, Indonesian and Greek speech communities within the USA tend to adopt indirect speech patterns, resulting in the possibility of these groups being legally disadvantaged. Since it is not known whether Indonesian police officers value direct or indirect speech styles in interviewing witnesses, my research includes investigation of style and registers in Indonesian police institutional discourse (not the style related to the directness or indirectness of speech, but the style related to the formality of language used in Indonesian police institutional discourse). This will aid
in determining the appropriate phrasing of CI instructions in Indonesian to fit the level of formality in Indonesian police institutional discourse.

In sociolinguistics, style includes formality (Heylighen & Dewaele, 1999; Trudgill, 2000), while variation in style is connected with the situation in which language is being used (Trudgill, 2000, p. 82). Style is treated as a continuum ranging from the very formal to the very informal (Heylighen & Dewaele, 1999; Irvine, 1979; Pavlick & Tetreault, 2016; Trudgill, 2000). In English, styles are mostly realised through choices of vocabulary and syntactical forms; for example, the word ‘trip’ is regarded as less formal than ‘journey’, and passive voice more formal than active voice. By contrast, variations in formality in Indonesian have two main causes: the diglossic nature of Indonesian (Sneddon, 2003a; cf. Turner & Wong, 2010) and its open addressee reference paradigm (Djenar, Howard & Ewing, 2018; Flannery, 2010, 2013).

The diglossic nature of the Indonesian language causes numerous challenges. Its features, which convey interpersonal relationships of communication participants via formal or informal person reference, are difficult to preserve when translated into a non-diglossic language like English (cf. Turner & Wong, 2010). Further complexity occurs when translating English, which lacks formal and informal person reference to ‘you’, into Indonesian’s open addressee referencing systems. The clear division of functions between standard Indonesian (High – H) and colloquial Indonesian (Low – I) provide a good indication of which variety might be appropriate in the police interview setting.8

Unlike in English or Western European languages, which have a limited set of pronouns, the open addressee referencing system in Indonesian incorporates a variety of ways of

7 Its two extreme varieties—that is, standard Indonesian (High – H) and colloquial Indonesian (Low – L)—are used in a continuum within the speech community under different conditions. H variety is used in governmental, administrational and legal matters as well as in such formal situations as speeches and lectures, education, language of literature and most of the mass media. In contrast, L is used mainly at home and in casual conversation.

8 The clear division of function of address system applies to France where CI studies have been conducted (e.g. Brunel & Py, 2013; Colomb et al., 2013; Ginet & Py, 2001; Ginet et al., 2014). French has a pronoun system divided between tu (second person singular, informal) and vous (second person plural or singular, formal) (Dewaele, 2004, p. 384) as well as Dutch (Martiny, 1996). However, to do a language-focused investigation on CI was beyond the focus of their research. This is similar to CI studies in Portugal (e.g. Paulo, Albuquerque & Bull, 2015; Paulo et al., 2016; Paulo, Albuquerque, Saraiva, et al., 2015; Paulo et al., 2017), Rui M. Paulo confirmed that ‘To do such a ‘language’ focused approach on the interview protocol was not our goal but that would be very interesting. We just wanted to make sure we had an appropriate protocol that would allow us to replicate major CI findings’ (personal communication, Oct 7, 2015).
saying ‘you’ (Djenar et al., 2018; Flannery, 2010, 2013). Thus, in an Indonesian speech context, including a police context, a speaker’s choice of personal reference is complex. Djenar et al. (2018, p. 24) asserted that:

The wide range of referential forms available to Indonesian speakers has long been noted, and earlier accounts have suggested that choice of terms is primarily dependent on a speaker’s demographic characteristics such as age, sex or first language (Purwo, 1984), coupled with an awareness of speech event context (Kridalaksana, 1974).

Dimensions of power and solidarity, as well as respectfulness or politeness, can also influence the choice (Budiyana, 2003). Kinship terms—for example, Bapak/Ibu ‘Sir/Madam’, mas ‘older brother’9 (Javanese language), teteh ‘older sister’ (Sundanese language) (Djenar et al., 2018)—are often used to index that the relationship between the speaker and hearer is asymmetrical (e.g. due to age or social status). These terms are intended to avoid using kamu ‘informal you’ or first naming as a person reference (Budiyana, 2003). Dimensions of social variables, such as social distance, also influence the choice of person reference. This is illustrated by kamu ‘you’, which is usually used between intimates or when referring to young children (Djenar et al., 2018, p. 29). Saudara ‘metaphorical brother’, which is equivalent to ‘Mr’ in English (Flannery, 2013), is the kind of formal summons made in a doctor’s surgery when calling on the next patient or in legal settings such as a court of law (Flannery, 2013, p. 215). Saudara ‘metaphorical brother’ is used to index a distant relationship between the speaker and the hearer. Anda ‘distant you’ is mainly used to index social distance and occurs primarily in formal and non-personal contexts (Djenar et al., 2018, p. 29). It is evident that many factors are taken into account when choosing person references (Djenar et al., 2018). Research on the diglossic nature of Indonesian and its open reference system strongly suggests that the appropriate language for CI in Indonesian would be formal standard Indonesian (H) and if this were the case, we would expect to see the person reference Saudara ‘metaphorical brother’ used to index the distant and formal relationship between the police interviewer and witness because this is the pronoun currently used in police interviews (cf. Flannery, 2013). It is important to note that while CI values intimacy, this should be professional and casual, yet still formal (Shepherd & Griffiths, 2013).

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9 Mas ‘older brother’ and mbak ‘older sister’ (Javanese language) speak ‘across’ ethnic differences and are no longer associated directly with the speech of a particular ethnic group (Djenar et al., 2018, p. 53).
The term register refers to linguistic varieties that are linked to particular occupations or topics (Trudgill, 2000, p. 81). Register is independent from style (Trudgill, 2000, p. 84). As Trudgill (2000, p. 85) explained: ‘The register of football, for example, could co-occur with a formal style (as in a report in a high-status newspaper), or with an informal style (as in a discussion in a bar).’ The choice of register is influenced for the most part by the topics of talk. This brief overview of style and register facilitates discussion of the linguistic features of CI in Indonesia.

The issue of power dynamics is dominant in the literature relating to the discourse of institutional talk, including police interviews with suspects (see also Haworth, 2006; Heritage, 2005; Heritage & Greatbatch, 1989; Hosman & Siltanen, 1994). In such a setting, power dynamics have been proven to shape the content, form and information flow of talk (cf. Trinch & Berk-Seligson, 2002; Weijers, 2004). Throughout the world, police officers are perceived as being in possession of expertise and knowledge that witnesses or suspects do not have access to (e.g. in relation to regulations and procedures of interview). Such knowledge places police officers in a position of power, giving them the means to manipulate the interview if they choose. From a sociological perspective, this situation not only generates asymmetry, but also ‘institutionally determined social roles’ that ‘produce dominant and subordinate positions [that] affect the rights and obligations of speakers’ (Fairclough 1995 cited in Thornborrow 2002, p. 37).

CI transfers control to witnesses. When the technique is correctly applied, police officers encourage witnesses to actively participate in interviews by placing them in the category of ‘expert’: ‘the witness is the expert about the to-be-remembered event’ (Holliday et al., 2012, p. 1192). This requires a shift in the question-answer paradigm of police talk, which may upset the authority of the interviewer and unsettle the interviewee. With the interviewer’s level of dominance reduced, the interviewee has to change their expectation of both the interviewer and the interview. Referring specifically to CI, Milne (2004, pp. 15-16) emphasised that:

Helping the interviewee to recall this information from memory requires the interviewer to pass over control of the interview to him or her. Thus, at the start of the interview the interviewee needs explicitly to be informed of this. It is the interviewee who should do most of the mental work and most of the talking throughout the course of the interview, i.e. the witness should control the flow of the information.
The transfer of control from police officers to witnesses leads to a switch in register. To gather information from witnesses about a past event (the context reinstatement mnemonic), police officers are advised to use the following set of instructions:

Put yourself back to the same place where you saw the assault. It is like when you have lost something and you try to picture in your mind where you last had it, it is like that. What I want you to do is create a picture in your mind of the flat. Think of where you were. How were you feeling at the time? What could you hear? What could you smell? Think of all the people who were present. Think about all the objects there. Think of the layout of the flat. Get a really good picture in your mind and then tell me everything you can remember without leaving anything out. All that pops into your mind, tell me. (Milne, 2004, p. 20; Milne & Bull, 1999, p. 35)

Here, Milne (2004) and Milne and Bull (1999) suggest that police officers should employ ordinary language to gather information from witnesses. This resonates with the argument presented in Section 2.2.1 about the significance of building retrieval cues that suit the language of witnesses rather than the language of police.

The literature suggests that norms or conventions of police institutional discourse are not country specific. They might change in response to demands from the global world. For example, in the past, the police institution served its duty by guarding the security of citizens and society; consequently, police officers were expected to be strong and skilful in using weapons. Nowadays, globalisation motivates institutions to provide more customer-friendly services. Therefore, police officers are required to improve their quality of communication with people under examination. If the institution enforces this and the officers are responsive, social norms of interaction in police institutional talk will change, although certain legal constraints will remain in place. Thus, the competence of police officers’ communication will become an important focus of international research. As CI is witness-centred, its adaptation and application to Indonesian police interviewing practices could potentially enhance police investigators’ communication skills while maintaining goal-based interaction.

2.3.2 Sociolinguistic Conditions of Indonesian

Adapting CI to Indonesia requires a detailed understanding of the sociolinguistic situation of the Indonesian language. Numerous studies have described the Indonesian language, focusing on its history and development (e.g. Alisjahbana, 1949; Errington, 1986; Oetomo, 1991; Sneddon, 2003b), varieties (e.g. Djenar, 2008a; Errington, 2006; Ewing, 2005; Smith-Hefner, 2007; Sneddon, 2003a; Wouk, 1999, 2001) and grammar (e.g.
Djenar, 2001, 2006; Ewing, 1995, 2012; Klamer, 2002; Klamer & Ewing, 2010; Sneddon, Adelaar, Djenar & Ewing, 2012; Zanten & Heuven, 1998). The history and development of the Indonesian language lies beyond the scope of this research; therefore, the literature on that aspect is not reviewed here. Instead, my research relies on studies of the varieties and grammar of Indonesian. This section demonstrates which Indonesian language varieties are most likely to be used in police institutional settings along with their linguistic features.

Sneddon’s (2003a) argument that Indonesian—the national language of Indonesia—is in a diglossic situation remains uncontested. According to Sneddon (2003a), there are two extreme varieties of Indonesian—standard Indonesian (High – H) and colloquial Indonesian (Low – L)—and these are used in a continuum within the speech community under different conditions. H variety is used in governmental, administrational and legal matters as well as in formal situations, such as speeches, lectures, education, the language of literature and most of the mass media. In contrast, L is used at home and in casual conversation. However, speakers of the community often style-mix, using H in a colloquial setting or L in a formal setting. Sneddon’s (2003a) data—which is drawn from three speech events (conversations between friends, interviews and meetings) involving participants aged between 20 and 60—demonstrates the extent to which this is acceptable. Further, it shows that, grammatically speaking, standard Indonesian is more complex than colloquial, and that, lexically speaking, standard Indonesian is more stilted. The differences in linguistic features between H and L varieties are especially apparent at the level of grammar and lexicons (a summary of these features can be found in Appendix 2) and its continuum diglossia is well justified. The alternative formal and informal expressions in Indonesian contained in Sneddon’s (2003a) work are invaluable for my research.

As noted by Sneddon, researchers have paid considerable attention to Indonesian language varieties in the field of education (e.g. Firdaus, 2013; Sneddon, 2001), mass media (Manns, 2014; Mardijono & Junarto, 2007) and literature (Djenar, 2008b; Djenar & Ewing, 2015). Sneddon stated that H variety is used in legal settings; however, no studies have examined its use in institutions such as the police.

Arguments by Ewing (2005) and Sneddon (2003a) can be used to predict the varieties of language used in an institution:
In actual practice, there is rarely such a clear functional divide and a cline emerges between highly standard and highly colloquial language usage, and speakers very often use an in-between style incorporating elements associated with both ends of the spectrum. (cited in Djenar & Ewing, 2015, p. 110)

Djenar and Ewing (2015) presented this argument in the context of their research on language varieties in teen fiction and comics. They demonstrated that a shift in the variety of the narrators’ language from standard to colloquial was strategic at the level of genre and text. This shift triggered a remarkable change in the style of writing fictional narrator-character social relationships to promote involvement. In the past, standard Indonesian was used as the language of narration whereas colloquial Indonesian was used for dialogue. Consistent with Sneddon’s (2003a) findings on the linguistic features of H and L varieties, Djenar and Ewing (2015) found that verbal morphology and choice of preposition can mark H or L varieties.

Building on Djenar and Ewing’s (2015) research, my study will show that, like fictional narrators, police interviewers using such linguistic resources may generate a new style of interviewing, creating a sense of involvement for witnesses under examination. According to the literature, legal settings are associated with standard Indonesian, which has the effect of creating distance and maintaining impersonal relationships; however, it is very likely that this will change as result of CI being introduced into police interviewing. This is not to suggest that the data used in my research (i.e. text containing police officers’ questions) are in any way similar to fiction. Rather, the connection relates to the strategy of shifting language varieties and reliance on indicators of varieties, which suggests alternative ways of providing CI instructions in Indonesian.

Djenar and Ewing (2015) asserted that, for the narrator, a shift in language varieties reflected a change in perspective when addressing other people. Using the various terms for ‘father’ as their example, they showed that, whereas standard Indonesian refers to ‘father’ as beliau ‘he’, ayah Mel ‘Mel’s father’ and papa Melanie ‘Melanie’s dad’, in colloquial Indonesian, the word papa ‘dad’ is used. When the narrator used the standard forms, his/her identity as a narrator was foregrounded; in contrast, when the narrator used the colloquial term, his/her involvement with the character was highlighted. Further discussion of patterns and variations in person terms is provided in Djenar (2006) (cf. Heydon, 1997b). The comprehensive features or indicators of standard and colloquial Indonesian can be found in Ewing (2005) (see Appendix 2 for the linguistic indicators of standard and colloquial Indonesian).
Ewing (2005) defined colloquial Indonesian ‘not as a separate variety of Malay but as a social style, one register among the many ways that the national language of Indonesia is used by its speakers’ (p. 228). Acknowledging the fact of multilingualism in Indonesia, he highlighted that colloquial Indonesian cannot be separated from this geographical factor (see e.g. Fields, 2010 for Papuan Colloquial Indonesian). Sneddon (2003a), Ewing (2005), and Djenar and Ewing (2015) based their arguments regarding the features of colloquial Indonesian on written and spoken texts produced by speakers located in Java, mostly from Jakarta. This is unsurprising because, as Sneddon argued, ‘Jakarta is not only the major urban population centre in Indonesia but Colloquial Jakartan Indonesian is having an increasingly great influence on varieties throughout the country’ (2003a, p. 527). Since my study is situated in West Java, more particularly in Bandung, Jakarta and its neighbourhood, these research findings unquestionably are relevant to my study.

2.4 Legal Perspectives on CI

The third area of this review discusses legal perspectives on CI, delineating the operational and legal requirements of police interviewing in Indonesia (Section 2.4.1).

2.4.1 Operational and Legal Requirements of Police Interviewing in Indonesia

To investigate the extent to which CI may affect police investigation processes in Indonesia, this section reviews the role of witness testimony and operational and legal requirements of police interviewing. It demonstrates how CI may contribute to the operational aspect of interviewing and how interview data obtained via CI is used as evidence in court proceedings to achieve ultimate justice.

In Regulation of the Chief of the Indonesian National Police No. 14 of 2012 regarding Management of Criminal Investigation, the word ‘investigation’ covers several activities, including preliminary investigation and examination. Police officers’ main role during an investigation is interviewing. However, the purpose of the interview differs according to whether it is conducted during the preliminary\textsuperscript{10} or the examination\textsuperscript{11} stage of the investigation\textsuperscript{12}. The former focuses on finding sufficient evidence to discover whether a

\textsuperscript{10} Known in Indonesia as \textit{penyelidikan}.

\textsuperscript{11} Known in Indonesia as \textit{penyidikan} (as a follow-up to \textit{penyelidikan}).

\textsuperscript{12} This two stage investigation process is similar to that of the UK (see e.g. College of Policing, 2018) and the USA (see e.g. Horvath, Meesig & Lee, 2001; Rayner, 2014), although note that the preliminary
crime has been committed. An examination only occurs if police suspect that a crime has been committed. During an examination, evidence is collected for the purpose of indictment. It is recorded in a police report, which is later used by prosecutors to prepare a Bill of Indictment. While there is no doubt that CI could usefully be applied during preliminary investigations, to limit the scope of my study, attention is given to the adaptation of CI during the examination stage, as this is the closest activity to prosecution, which is when witness testimony gains legal status. Note that adapting CI in this stage will require preservation of interview data as an important piece of evidence in court proceedings rather than transforming them into a written form (i.e. police report) (see e.g. Fisher & Geiselman, 1992; Haworth, 2018; Milne & Shaw, 1999). Therefore, formal electronic recording is of great significance although the evidentiary rules contained in Law No. 8 (1981) (see Article 184 (1)) do not classify it as evidence. Elaboration about these rules is provided in the following paragraph while explanation about preserving interview data as evidence is offered in the end of this section.

Along with the testimony of experts and suspects, and certain relevant documents, one of the most important pieces of evidence that a judge uses to determine the guilt or innocence of the accused is witness testimony. Two out of five possible means of proof (i.e. (1) testimony of a witness, (2) testimony of an expert, (3) a ‘document’, (4) an ‘indication’ and (5) testimony of the defendant) are required. Of these, accurate and reliable witness testimony increases the likelihood of a perpetrator being effectively prosecuted and lessens the possibility of a suspect being wrongfully convicted.

Only witness testimony stated at trial counts as a legal means of proof. It is not uncommon for witnesses at trial in Indonesia to change their testimony (see Section 1.1.2). Many claim (see e.g. Al Miyzaan, 2015, April 21; Atriana, 2017, Oktober 23; Felisiani, 2017, November 1; Human Rights Watch, 2008, December 29; Pratomo, 2014, Maret 05) that their former testimony, as contained in the police investigation report, is false, the result of coercion or undue pressure during examination. When claims of false testimony occur, the court is obliged to hear clarification from the police responsible for conducting the examination. The court cannot accept the witnesses’ motion until this occurs. The original testimony may then be declared inadmissible due to its illegal process of elicitation. This process needlessly prolongs proceedings—or, in the case of more than one witness

phase in the USA involves the Behavioural Analysis Interview, where the goal is primarily lie detection (Horvath, Blair & Buckley, 2008).
changing their testimony, often renders them totally ineffective—as, had the interview been conducted appropriately in the first place, the reliability and accuracy of the police report could not be so easily contested.

Although the process of prosecution and witness examination in court is not the focus of my study, it is important to understand the vital role that witness testimony produced during police interviews plays during prosecution and trial. The consistency and reliability of witness testimony is essential, not only for its probative value but also for effective proceedings to occur. This signals the importance of improving the earlier stage of the criminal justice system (i.e. improving the quality of interviews with witnesses in the examination stage). This thesis contends that adapting CI to the Indonesian policing context will increase the admissibility of evidence in court, thereby achieving better justice outcomes.

According to Law of the Republic of Indonesia No. 8 of 1981 concerning the Code of Criminal Procedure, Article 1 Item 26, witnesses are ‘people who can testify for the purpose of investigation, prosecution, and adjudication on a criminal case that they heard, saw or experienced themselves’. Information can be taken from witnesses who are not related by blood or kinship to the third degree up or down to the accused, or to someone also accused; are not a sibling of the accused or someone else accused; are not a sibling of a mother or father of the accused; are not related by marriage; are not the children of siblings of the accused to the third degree; are not the husband or wife (current or former) of the accused or someone else accused (Article 168). Witness testimony may or may not be favourable to the accused; therefore, Law No. 8 (1981) distinguishes between exonerating and incriminating witnesses. On the basis of their specialised knowledge about the crime, witnesses are also categorised as lay or expert. The former are further categorised as vulnerable or significant. In relation to these categories, although research shows that CI is effective with children, older people and people with cognitive disabilities (Brunel & Py, 2013), my study examines adult lay witnesses only.

Witnesses have the right to receive protection for themselves, their family and their property; to be free from any threats regarding their past, present and future testimony; to provide testimony without pressure; to be assisted by an interpreter; to be free from loaded questions; to get information about the progress of the case; and to get information about
court decisions. Witnesses who have suffered human rights’ violations are entitled to receive medical support and psycho-social rehabilitation.

In Indonesia, there is little published research that examines how police interview witnesses (as opposed to policing and society from criminology and justice perspectives). To date, most studies of policing in Indonesia have tended to concentrate on police and security reform (e.g. Davies, Meliala & Buttke, 2016; Meliala, 2001a, 2001b; Rahmawati & Azca, 2006; Sukma & Prasetyono, 2003). These studies focus on the police force as an institution, its attempt to compromise its role as an organisation to maintain social orderliness and safety, and on the police as an agency to protect and provide services (Law No. 2, 2002). Research has revealed that the police chief in Jakarta and his senior staff are open to reform, and that Indonesian police have faced tremendous challenges in fulfilling their civilian oversight role as agents of security. In recognition of the history of connection between the military and the police in Indonesia, most researchers have focused on the context of reform rather than on plans for implementing reform. An exception is Davies et al. (2016) who argued that a well-functioning police service can be more straightforwardly achieved via procedural justice policing reform than instrumental policing. Procedural justice policing is defined as follows:

Quite simply, procedural justice involves: quality treatment (that is, police being polite, courteous and respectful in their relations with citizens); quality decision-making (that is, police making transparent, fair and just decisions based on fact); and moral similitude (that is, ensuring alignment between public values and police behaviour). (p. 6)

In a situation in which public trust of the police institution is waning, police have to improve their relationship with the public to increase confidence. In light of this, Davies et al.’s (2014) argument is convincing. However, one question needs to be asked: can a procedural justice approach contribute to an increase in the amount of information elicited during police interviewing? To answer this question, it is necessary to extend Davies et al.’s (2014) argument to police investigation contexts in which both humane treatment and information elicitation are believed to not only contribute to enhanced police-public relations, but also to the success of an investigation.

13 A detailed list of the rights of witnesses can be seen in Law of the Republic of Indonesia No. 13 of 2006 regarding Protection for Witnesses and Victims Article 5.
It can be argued that, in an Indonesian police context, the success of an investigation lies in the balance between practices of questioning witnesses/suspects and the management of administrative and logistic matters in accordance with prevailing laws and regulations. Questioning practices must humanely protect interviewees’ rights and maintain interviewers’ integrity, and its product must support the prosecution.

In general, witness investigations in Indonesia are undertaken with reference to two main laws, No. 8 of 1981 regarding the Code of Criminal Procedure and No. 2 of 2002 regarding the State Police of the Republic of Indonesia; Regulations of the Chief of the Indonesian National Police, including No. 3 of 2008 regarding Establishment of Special Service Spaces and Procedures of Witness and/or Victim Investigation, No. 14 of 2011 regarding Ethical Codes of the Indonesian National Police and No. 14 of 2012 regarding Management of Investigation; and Regulation of the Head of Criminal Investigation Department of the Indonesian National Police No. 3 of 2014 regarding Standard Operating Procedures of Criminal Investigation.

In terms of operational details, the police investigator should follow the standard operational procedures of criminal investigation as stipulated in Article 8 of Regulation No. 3 (2014), which is detailed in Appendix H. This procedure holds true for all witnesses, including expert witnesses, and suspects. The main elements of the procedure are illustrated in Table 2.1.

Table 2.1 Interviews of Witnesses Based on Regulation No. 3 (2014)

<table>
<thead>
<tr>
<th>Important Points</th>
<th>Regulation No. 3 (2014) (Witnesses, Experts, Suspects) Article 8</th>
</tr>
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<tbody>
<tr>
<td>Understanding witnesses</td>
<td>• Provide a certified interpreter for interviewees from overseas or those who cannot speak Indonesian.</td>
</tr>
<tr>
<td></td>
<td>• When necessary, consult with experts such as psychologists or psychiatrists about interviewees’ character or mental conditions.</td>
</tr>
<tr>
<td></td>
<td>• Conduct an interview in Indonesian. If the interviewee is not able to speak Indonesian, the questions and answers will be interpreted by a certified interpreter.</td>
</tr>
</tbody>
</table>

14 Appendix H describes the purpose of the procedure, archival preparation/accumulation, investigators’ competence, logistics of investigation and investigation orders (i.e. preparation and steps of investigation including legal requirements of police investigation reports).
<table>
<thead>
<tr>
<th>Important Points</th>
<th>Regulation No. 3 (2014) (Witnesses, Experts, Suspects) Article 8</th>
</tr>
</thead>
</table>
|                  | • Pose the questions in intelligible, polite and inoffensive Indonesian. In this case, questions should not be offensive to race, religion, and moral norms.  
• Conduct witness examinations in a quiet and comfortable situation so that witnesses can provide information well, accurately, conveniently and without feeling pressured. |
| Sequence of interview | The initial stage of the interview allows the investigators to:  
• introduce themselves to the witness  
• explain about the case being examined  
• explain about the purpose of the examination  
• explain about the interviewees’ relation to the case and their role in the case being examined  
• explain about witnesses’ rights and obligation in examination.  
Subsequent questions should deal with:  
• witnesses’ health  
• witnesses’ consent to give statements  
• witnesses’ curriculum vitae  
Later questions should cover the material requirements of the formal police investigation report, which consists of seven kah questions or six ‘W’ and one ‘H’ question:  
1) *siapakah* ‘who’ (to investigate who was involved in the suspected crime)  
2) *apakah* ‘what’ (to investigate what happened, regarding any cause, effect, background story and other related objects)  
3) *dimanakah* ‘where’ (to investigate the place or location related to the crime, for example, the crime scene, the place where the victim and/or the evidence were found, as well as the witness/suspect whereabouts)  
4) *dengan apakah* ‘with what’ (to investigate the tools used in the suspected crime)  
5) *mengapakah* ‘why’ (to investigate the reason why the crime happened)  
6) *bagaimanakah* ‘how’ (to investigate how the crime happened) |
As Table 2.1 shows, there are certain controls over what police investigators must do and say when examining witnesses. For example, they are required to attend to witnesses’ comfort and the legal requirements of a police report. However, the need to build rapport and/or establish a relationship with interviewees is not addressed in the regulations. Further, the wording of questions is determined by the need to fit the material requirements of the police investigation report; there are no suggested wordings or instructions to assist witnesses to recall the memory of an event.

It is interesting to note that, in relation to the six ‘W’ and one ‘H’ questions outlined above (see Table 2.1), Fisher commented that:

Because formal training is often lacking or of such meager quality, many police are either guided by intuition or they learn on the job, by trial-and-error or by observing more senior partners conduct interviews. As a result of this laissez-faire attitude, police often maintain a less-than-rigorous attitude toward interviewing. As one police investigator said, ‘Basically, you just ask them who, what, when, where, why, and how’. (1995, p. 734)

This suggests that, even if the regulation did not stipulate asking six ‘W’ and one ‘H’ question, police officers would still intuitively do so. As George and Clifford (1992 cited in Fisher, 1995, p. 734) note, it is ‘as if they share the same intuitions about what constitutes an interview’. Such questions, which are themselves short, often result in short answers (i.e. little to no detail). What makes CI successful in increasing the quality of information from witnesses is the use of open-ended questions and communication strategies to develop and extend witnesses’ answers. While police investigators applying CI still use six ‘W’ and one ‘H’ questions, they do so in a different way. Therefore, in the framework of an Indonesian police investigation approach, CI can be adapted to expand the wording of existing questions. The following example (Table 2.2), adapted and modified from Fisher and Geiselman (1992, pp. 159-160), illustrates this.
Table 2.2 Expansion of Standard Interview to CI Interview

**Background:**
Two days before the interview, the eyewitness was browsing through the Midtown Diamond Exchange when two armed men entered and demanded of the cashier the contents of the register. The eyewitness was in the rear of the store; although frightened, she did not panic. Having interviewed the eyewitness for several minutes, the police officer now would like to elicit details about the robbers.

<table>
<thead>
<tr>
<th>Standard Interview</th>
<th>Cognitive Interview</th>
<th>Cognitive Interview</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>When the man with the gun turned around, did you see his face clearly?</strong></td>
<td><strong>Let’s go back</strong> to when the man with the gun turned around and yelled at you, DOWN ON THE FLOOR.</td>
<td>Recreate context using eyewitness’ original words and intonation</td>
</tr>
<tr>
<td><strong>What did he look like?</strong></td>
<td><strong>W question</strong></td>
<td>Focused retrieval</td>
</tr>
<tr>
<td><strong>Did he have moustache?</strong></td>
<td><strong>Y/N question</strong></td>
<td>Probe about one assailant at a time</td>
</tr>
<tr>
<td><strong>What about his eyes?</strong></td>
<td><strong>W question</strong></td>
<td>Develop detailed image</td>
</tr>
<tr>
<td><strong>Was he wearing glasses or not?</strong></td>
<td><strong>Y/N question</strong></td>
<td>Framed question</td>
</tr>
<tr>
<td></td>
<td><strong>Try to focus in on just this one robber, the one who was yelling at you.</strong></td>
<td>Open-ended question</td>
</tr>
<tr>
<td></td>
<td><strong>Try to develop a mental picture as thoroughly as possible, when the man first turns around. Don’t say anything yet. Just develop the image as clearly as you can.</strong></td>
<td>Explicit request for detail</td>
</tr>
<tr>
<td></td>
<td><strong>Concentrate on his face and head.</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Now, try to describe his head and face in as much details as you can. Don’t leave anything out.</strong></td>
<td></td>
</tr>
</tbody>
</table>
This analysis and modification of the wording of questions makes it clear that what Davies et al. (2014) proposed regarding procedural justice policing is realistic in the context of policing in Indonesia. It is also clear that weaknesses in the wording of questions contained in the existing standard procedures can be strengthened with the adaptation of English CI instructions to Indonesian. In so doing, quality treatment, quality decision-making and moral similitude (as the value of procedural justice) can be achieved.

As addressed earlier in this section, using CI in the examination stage of the Indonesian justice system will require particular treatment of interview data to be used as evidence in court proceedings. CI was developed in a judicial context where testimony is of major importance (Ginet & Py, 2001, p. 188). To be admitted as evidence in the inquisitorial trial as it functions in Indonesia, witnesses’ testimony resulting from CI would to be produced in a written form whereas in the adversarial system as applied in the US and UK where CI was originally developed, witnesses’ verbatim accounts in the form of audio or video recording would be presented (Malsch & Freckelton, 2009). Literature shows that problems often occur when transferring spoken text into written text (e.g. Haworth, 2018; Komter, 2002, 2006; Van Charldorp, 2011, 2014) and that CI needs a sufficient legal framework so there can be a guarantee that accounts elicited from witnesses are reliable and accurate, and can travel well to a courtroom without distortion, oversights or condensation (e.g. Ginet & Py, 2001; La Rooy et al., 2015; Naka, 2016; Van Koppen & Penrod, 2003). CI strategies, especially context reinstatement and report everything, often receive legal attention as both require the primary use of open questions and access to electronic (audio/video) recording. Therefore, to adapt CI to the Indonesian policing context, legal factors need to be taken into account.

2.5 Conclusion

This chapter has identified and explored the gap in the literature relevant to CI in the Indonesian policing context. The studies presented here provide evidence that, to adapt CI to the Indonesian policing context, many factors need to be taken into account, especially language appropriateness and how CI will fit into the Indonesian policing system. Chapter 3 outlines the method for investigating these issues. Since conducting background research on police officers’ perceptions of their existing practices is an essential precondition to adapting CI to the Indonesian policing context, this process is also outlined.
Chapter 3: Methodology

3.1 Introduction

Chapter 2 discussed the literature relevant to this thesis from the fields of psychology, linguistics and law. This chapter provides a detailed explanation of the methodology of the study in relation to this literature. This research project, which investigates the cognitive interview (CI) technique in the Indonesian policing context, is multidisciplinary and pioneering. It is recognised that police investigators’ perceptions might contribute to the (in)effectiveness of CI; therefore, it is important to understand Indonesian police investigators’ perceptions of their existing practices of interviewing of witnesses. This information can help to identify any gaps that might exist between existing interviewing practices and CI. The importance of assessing the appropriate language for CI within Indonesia’s legal environment is also recognised. As discussed in Chapter 1, the main research question of this thesis is ‘How well can CI work in the Indonesian policing context?’ Three sub-questions are delineated to address the main research question:

1) What are police investigators’ perceptions of their existing practices of interviewing witnesses?
2) How linguistically appropriate are CI instructions in the Indonesian language?
3) How legally viable is CI in the Indonesian policing context?

To answer the main research question, the study employed a mixed-method design that involved three stages of data collection: Stage 1 addressed sub-question 1, Stage 2 supported sub-question 2 and Stage 3 responded to sub-question 3. This staged approach meant that the research was administered in sequence. Each stage was designed to inform its subsequent stage. Inherent in each stage was the intent ‘to merge (or bring together) both qualitative and quantitative data in a parallel or concurrent way and to have one type of data (quantitative or qualitative) build on or extend the other type of data (qualitative or quantitative) in a sequential way’ (Creswell, Plano Clark & Garrett, 2008, p. 66).

Such a mixed-method design was considered an appropriate ‘umbrella’ methodology for the three-stage tactic addressing different sub-questions and involving both qualitative and quantitative types of data to answer the main research question. Moreover, it was considered to be able to ‘bring together a more comprehensive account of the area of enquiry’ than a single approach and enhance ‘the integrity of findings’ (Bryman, 2008,
This is because both qualitative and quantitative paradigms have drawbacks (Creswell, 2009; Creswell et al., 2008; Sarangi & Candlin, 2011). In qualitative studies, data selection procedures and text analysis presentations run the risk of arbitrariness and bias, and their interpretation is neither straightforward nor easy to warrant and evaluate. In contrast, quantification studies, while being costly and sometimes tedious to carry out, cannot deal with the complex, deep structure of interaction, as they systematically disregard underlying themes in context-sensitive ways.

The following discussion outlines the overall research design (Section 3.2). A detailed explanation of the methodological procedures of each stage is provided in Section 3.3 (addressing Stage 1), Section 3.4 (addressing Stage 2) and Section 3.5 (addressing Stage 3). The limitations of the research design and conclusion are provided in Section 3.6 and Section 3.7, respectively.

### 3.2 Overall Research Design

As indicated, this thesis adopted a mixed-method design. The project’s three sub-questions were approached using different methodological frameworks because they each had different purposes and played different roles in addressing the main research question. To put this another way, each sub-question corresponded to a different stage in the research, and each stage required different types of data, methods of data collection, participants and approaches to data analysis. More specifically, each stage required both qualitative and quantitative types of data. Qualitative data were collected via semi-structured interviews while quantitative data were gathered via questionnaires. The questionnaires provided participants with a Likert-type scale and space for comments. Therefore, the questionnaires provided both quantitative and qualitative data.

In Stages 2 and 3, the Delphi method was used to address sub-questions 2 and 3. The Delphi method is a structured communication technique delivered via an iterative process (known as rounds) to gather opinions from a panel of experts regarding issues for which there is little or no definitive evidence, for the purpose of decision-making or making predictions (Hasson, Keeney & McKenna, 2000; Keeney, Hasson & McKenna, 2011). Stage 2 sought to determine the best version of CI instructions in Indonesian; as no samples of police–witness interviews in Indonesian were available, this stage used a consensus Delphi (i.e. obtaining a consensus of opinions among participants). The participants were selected for their knowledge of the area and/or experience of the topic
requiring decision-making. Delphi was also used in Stage 3 to address sub-question 3. However, since the purpose of this stage was to gather predictions (rather than opinions) regarding a suitable legal environment for CI, it involved a non-consensus Delphi. Table 3.1 summarises the methodological framework used to address the three sub-questions.

**Table 3.1 Overall Research Design**

<table>
<thead>
<tr>
<th>Methodology</th>
<th>Stage 1: Police perceptions</th>
<th>Stage 2: Language appropriate for CI</th>
<th>Stage 3: Legal viability of CI</th>
</tr>
</thead>
<tbody>
<tr>
<td>Types of data</td>
<td>Qualitative (information about current interviewing techniques used by Indonesian police investigators, etc.)</td>
<td>Round 1 – Round 4: Quantitative (scale of appropriateness of CI instructions in Indonesian, etc.) Qualitative (reasons for choosing certain scales of appropriateness, etc.)</td>
<td>Round 1, qualitative (participants’ responses to English CI and how legally applicable it is if implemented in Indonesia) Round 2, quantitative (scale of attitudes on legal environment for CI, etc.) Round 2, qualitative (reasons for choosing certain scale, etc.)</td>
</tr>
<tr>
<td></td>
<td>Quantitative: (frequency of related practices of interviewing witnesses, etc.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Data collection methods</td>
<td>Semi-structured interview Questionnaires</td>
<td>Consensus Delphi with four rounds: Round 1, questionnaire Round 2, questionnaire Round 3, questionnaire Round 4, questionnaire</td>
<td>Non-consensus Delphi with two rounds: Round 1, semi-structured interview Round 2, questionnaire</td>
</tr>
<tr>
<td>Number of topics or questions</td>
<td>Semi-structured interview: six topics Questionnaires: five topics/42 items</td>
<td>Round 1: 48 items Round 2: 18 items Round 3: two items Round 4: two items</td>
<td>Round 1: two main topics Round 2: 21 items</td>
</tr>
</tbody>
</table>
**Main research question: How well can CI work in the Indonesian policing context?**

<table>
<thead>
<tr>
<th>Methodology</th>
<th>Stage 1: Police perceptions</th>
<th>Stage 2: Language appropriate for CI</th>
<th>Stage 3: Legal viability of CI</th>
</tr>
</thead>
</table>

| Duration | Semi-structured interview: 30–60 minutes Questionnaires: 60 minutes | Round 1: 50–60 minutes Round 2: 20–30 minutes Round 3: 5–10 minutes Round 4: 5–10 minutes | Round 1: 60 minutes (+15 minutes video) Round 2: 60 minutes |

<table>
<thead>
<tr>
<th>Participants</th>
<th>Semi-structured interview:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>six police investigators of West Java Police Station in Bandung</td>
</tr>
<tr>
<td></td>
<td>222 police trainees of Criminal Investigation Education and Training Centre in Bogor (West Java)</td>
</tr>
<tr>
<td></td>
<td>Questionnaires: 23 experts from Bandung and Jakarta: seven linguists six interpreters/translators ten police investigators</td>
</tr>
<tr>
<td></td>
<td>28 experts from Bandung and Jakarta: five police investigators two lawyers seven prosecutors six judges two psychologists two criminologists one policing studies two human rights’ activists one journalist</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Approaches to data analysis</th>
<th>Semi-structured interview: qualitative content analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Questionnaires: Likert scale analysis (descriptive statistics) and qualitative content analysis</td>
</tr>
<tr>
<td></td>
<td>Likert scale analysis (descriptive statistics) and qualitative content analysis</td>
</tr>
<tr>
<td></td>
<td>Semi-structured interview: qualitative content analysis Questionnaires: Likert scale analysis (descriptive statistics)</td>
</tr>
</tbody>
</table>
The research was undertaken in Indonesia, which is the native country of the researcher, more particularly in West Java Province (Bandung and Bogor) and Jakarta. All data were collected in the Indonesian language, in which the researcher is a native speaker, although it is not her first language. The ‘how’ part of the main research question (i.e. ‘how well can CI work in the Indonesian policing context?’) justifies the relevance of description or explanation rather than the presentation of numbers. Therefore, the research design is largely qualitative (or qualitative dominant). As defined by Johnson, Onwuegbuzie and Turner (2007), a qualitative dominant mixed methodology ‘relies on a qualitative, constructivist-poststructuralist-critical view of the research process, while concurrently recognising that the addition of quantitative data and approaches are likely to benefit most research projects’ (p. 129).

Across all stages of the study, as Table 3.1 shows, data were compared between one method and another to clarify results. These comparisons were intended to examine whether CI can work in the Indonesian policing context (cf. Johnson & Onwuegbuzie, 2004). The phases of data gathering were carried out in a time-ordering dimension—that is, sequentially or concurrently, as relevant to the objectives of the study (Johnson & Onwuegbuzie, 2004). Detailed designs for each stage are shown in Figures 3.1, 3.2 and 3.3, which were modified from Johnson and Onwuegbuzie (2004). The design used symbols or codes to mark the priority and time-order of data collection. Within the figures, the word ‘qual’ refers to qualitative and the word ‘quan’ stands for quantitative. High priority is denoted with capital letters (e.g. QUAL) while lower priority is marked with lower case letters (e.g. qual). The sign ‘+’ stands for concurrent, while the sign ‘→’ denotes sequential.

Stage 1 explored police officers’ understanding of their existing interviewing practices. It involved data from interviews (six participants) corroborated by data from questionnaires (222 participants) (see Section 3.3.2.1 for selection of participants). This means that it was approached in an exploratory way. Within an exploratory framework, qualitative data (QUAL) were gathered prior to quantitative data (QUAN). The results of the QUAL were used to inform the development of the QUAN. In this way, ‘the researcher does not start with a pre-generated hypothesis and then collect data to test the hypothesis. Rather, after observing some surprising patterns, the researcher exploits them in as many ways as possible until a plausible “story” of the data emerges’ (Yu, DiGangi & Jannasch-Pennell, 2008, p. 311). The QUAN, which incorporated closed-type questions (quan) and open-ended questions (qual), was intended to enhance the initial
results (QUAL) and test them with a large sample of population (Creswell et al., 2008, p. 77) (see Figure 3.1).

<table>
<thead>
<tr>
<th>Sub-question 1</th>
<th>Time-order decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paradigm emphasis decision</td>
<td>QUAL → QUAN (quan + qual)</td>
</tr>
<tr>
<td>semi-struct. interview</td>
<td>→ questionnaire</td>
</tr>
</tbody>
</table>

Note: ‘qual’ stands for qualitative, ‘quan’ stands for quantitative, ‘+’ stands for concurrent, ‘–>’ stands for sequential, capital letters denote high priority or weight, and lowercase letters denote lower priority or weight.

Figure 3.1 Phases of Data Collection for Stage 1

Stage 2 investigated the appropriate language for CI in Indonesia. This stage involved 23 experts, data from questionnaires in the form of a Likert-type scale and qualitative comments on the appropriate language for CI in Indonesia (see Section 3.4.1.1 for selection of experts). It was conducted via an explanatory framework; the researcher started with quantitative data and followed up with qualitative data to help explain the initial quantitative results (Creswell et al., 2008). Questionnaires were distributed four times using the Delphi method. The experts were asked to weigh degrees of appropriateness of the Indonesian CI instructions (1–5 scales) (QUAN) and provide comments or reasons for the chosen degree (QUAL). QUAN is written in capitals because the results of the quantitative data dictated whether the next round was initiated or not. QUAL is written in capital letters because participants’ comments were used by the researcher to oversee the Indonesian CI instructions. The results of the preceding rounds verified the results of the previous ones. Figure 3.2 illustrates this.
Sub-question 2

<table>
<thead>
<tr>
<th>Paradigm emphasis decision</th>
<th>Time-order decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>(QUAN + QUAL) -&gt; (QUAN + QUAL) -&gt; (QUAN + QUAL) -&gt; (QUAN + QUAL)</td>
<td></td>
</tr>
<tr>
<td>Round 1 -&gt; Round 2 -&gt; Round 3 -&gt; Round 4</td>
<td></td>
</tr>
<tr>
<td>questionnaire</td>
<td>questionnaire</td>
</tr>
</tbody>
</table>

Note: ‘qual’ stands for qualitative, ‘quan’ stands for quantitative, ‘+’ stands for concurrent, ‘->’ stands for sequential, capital letters denote high priority or weight, and lowercase letters denote lower priority or weight.

Figure 3.2 Phases of Data Collection for Stage 2

Stage 3 investigated the legal viability of CI. It involved data from interviews (26 experts) corroborated by data from questionnaires (24 experts). The design of the data collection was similar to that of Stage 1 in that qualitative data (QUAL) were gathered prior to quantitative data (QUAN). It was also similar to the data collection of Stage 2 in regard to the involvement of selected experts and rounds of data gathering. However, the Delphi method used for addressing sub-question 2 and sub-question 3 was different in that the opinion of experts in Stage 3 was not oriented to achieve consensus as it was in Stage 2. This is because the purpose of Stage 3 was not to find the best version of CI from a legal perspective but to explore predictions about the legal environment of CI and legal supports from within the existing regulatory framework. Figure 3.3 shows this and Figure 3.4 summarises the overall research design.

Sub-question 3

<table>
<thead>
<tr>
<th>Paradigm emphasis decision</th>
<th>Time-order decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>(QUAL) -&gt; (QUAN + qual)</td>
<td></td>
</tr>
<tr>
<td>Round 1 -&gt; Round 2</td>
<td></td>
</tr>
<tr>
<td>semi-struct. interview</td>
<td>questionnaire</td>
</tr>
</tbody>
</table>

Note: ‘qual’ stands for qualitative, ‘quan’ stands for quantitative, ‘+’ stands for concurrent, ‘->’ stands for sequential, capital letters denote high priority or weight, and lower case letters denote lower priority or weight.
The following sections detail the methodological framework for each stage. To be clear, this thesis utilised three methods of data collection: semi-structured interviews; questionnaires; and the Delphi method, which involved semi-structured interviews and questionnaires as its principal means. The three stages utilised interviews and/or questionnaires in different ways and for different purposes. Therefore, there will be some overlap in explanations regarding the methods of data collection and approaches to data analysis; however, this has been minimised as much as possible by means of cross-referencing sections.

3.3 Stage 1: Police Officers’ Perceptions of Their Interviewing Practices

As mentioned earlier, the purpose of Stage 1 was to explore police officers’ perceptions of their interviewing practices. It was anticipated that the results could be used to assess
how well CI might work in the Indonesian policing context. Gathering information about existing interviewing practices and quantifying police interviewing experiences with witnesses was important for answering sub-question 1 (i.e. what are police investigators’ perceptions of their existing practices of interviewing witnesses?). By means of an exploratory framework, semi-structured interviews (QUAL) were conducted prior to questionnaires being distributed (QUAN). The interview data collection was approved by the RMIT Human Research Ethics Committee on 25 June 2015 (Project Number CHEAN B 0000019353-05/15, see Appendix 3.1) and the questionnaire data collection was approved by the same committee on 31 July 2015 (Project Number CHEAN B 0000019353-05/15, see Appendix 4.1). Both methods of data collection are elaborated in the following sections and details provided regarding participants, setting, procedures of data collection and approaches to data analysis.

3.3.1 Semi-Structured Interviews

In Stage 1, semi-structured interviews were used to obtain information regarding police officers’ perceptions of their existing interviewing practices. This method was used because semi-structured interviews provide ‘a more valid explanation of the informant’s perceptions and constructions of reality’ (Minichiello, Aroni & Hays, 2008, p. 51) than structured interviews. More importantly, this technique of data collection has been recognised as ‘the most widely used format of qualitative interviewing’ (Minichiello et al., 2008, p. 52). The interviews were conducted face-to-face and included a small number of participants. The presence of an interviewer can assist in ‘clarifying, probing, and motivating respondents to provide complete and accurate responses’ (Groves et al., 2004, p. 141). Additionally, the interviews provided the participants with time and space to deliver their ideas in their own words, without being influenced by the ideas of others.

Before the interviews were conducted, an interview schedule was developed as a guide for the researcher. The questions did not have fixed phrasing or ordering, which meant that the researcher had greater flexibility in asking them; however, the questions were all relevant to the topic and included a range of issues fundamental to the main research question and sub-questions. The researcher knew when to probe for more in-depth responses and when to guide the conversation so that all issues outlined could be covered (Minichiello et al., 2008).

The questions asked during the interviews were designed to be broad and open (i.e. information-gathering) to avoid contaminating informants’ responses, and to allow them
to give answers in their own words. This type of questioning is consistent with the principles of CI—the central topic of this thesis. More specific questions were asked in response to participants’ initial answers; therefore, it was difficult to specify in advance (i.e. at the beginning of the project) exactly what these follow-up questions would be (see Appendix 3.2 for the list of sample questions). The result of these interviews informed further stages of data gathering (i.e. questionnaires). All interviews were audio recorded. While conducting the interviews, the researcher took notes about participants’ responses to assist with further data analysis.

The following sub-sections describe the interview participants (Section 3.3.1.1), interview setting (Section 3.3.1.2), processes of collecting information from the participants (Section 3.3.1.3) and approaches to interview data analysis (Section 3.3.1.4) during Stage 1.

3.3.1.1 Participants

In Stage 1, the semi-structured interview involved six police investigators of the West Java Police Station. The criterion of inclusion stipulated that participants had to be police investigators with at least 10 years’ verified experience (or equivalent) and be willing to be involved in the study. This criterion increased the likelihood of producing reliable results in line with the purpose of the research.

The researcher initiated contact with the Criminal Investigation Directorate of the West Java Police Station in Bandung Indonesia. This unit was overwhelmingly male dominated. The number of women police investigators was so low that there was little chance of involving them in the research. The head of the department nominated potential participants with reference to the criterion of inclusion. The researcher was able to meet the participants in person or speak to them on the telephone to invite them to participate in the project and gain their permission; email was seldom used by the target population, hence the use of face-to-face or telephone communication. Documents and information related to the research, such as participant information (see Appendix 3.1.1), consent (see Appendix 3.1.2) and a list of proposed questions (see Appendix 3.2), were provided prior to the interview, enabling participants to better understand the research and their rights in terms of the interview (e.g. they could choose not to answer specific questions).

The participants were informed about how the researcher had obtained their names and contact details, and were advised that no personal information had been supplied to the
researcher. The researcher made it clear that they were not obliged to participate in the research, that their participation was entirely voluntary, and that their choice would not be communicated to their workplace and was not relevant to their employment. Participants were given plenty of time and space to consider their participation.

The six participants were in charge of investigating general crime cases including fraud, murder, theft and cases related to land and premises. Their length of service as investigators ranged from seven\(^1\) to 25 years, averaging 18.3 years. The highest rank was first-rank officer (83.3 per cent) and the lowest rank was warrant officer (16.7 per cent) (see Appendix 3.4.1). They had all attended training on general and content-specific investigation skills.

### 3.3.1.2 Setting

In Stage 1, the semi-structured interviews took place in the West Java Police Station, Bandung Indonesia. To be more precise, the interviews were conducted at a venue of the participants’ choosing; each participant chose their office at the police station.

Conducting interviews at the police station meant that there were issues of privacy for participants and of confidentiality of data, as there was a chance that other people might overhear the conversation. To guard against this, the researcher, having asked the interviewee where the interview could most safely be conducted, ensured that the interviews took place in quiet and private settings. The police station was a large and busy office, with many separate areas. Unlike a similar facility in Melbourne, it was quite unlikely that participants would be seen by colleagues as they interacted with the researcher and, even if they were seen, it was most likely that observers would assume that the participants were meeting a civilian for policing purposes, as the researcher was not known to the participants’ colleagues.

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\(^1\) A seven years’ experience investigator was included in the research based on the verification of the Criminal Investigation Department on his excellent investigation performance which was beyond his cohort in the same year experience.
3.3.1.3 Procedures of Interview

Interviews were conducted for the purpose of uncovering police investigators’ perceptions of their existing interviewing practices. The interviews were conducted over two days (28 and 29 July 2015) and ranged in duration from 30 to 60 minutes.

Six topics were covered: professional details, interviewing experience, interviewing techniques, impressions of interviewing, and operational and training experiences. Modified versions of questions drawn from Dando, Wilcock and Milne (2008), and Rachlew (1999) were asked during the interviews (see Appendix 3.2 for the list of sample questions). An explanation of each topic is provided below. A sample question relating to the topic of interviewing experience is also provided, as this topic gave the researcher the most insight into the interviewees’ common practices.

Participants were asked about their professional details (Topic 1), which included rank, length of service and duties. Such information was considered essential to understand the context of the officers’ responses to each item of the interview and subsequent questionnaire. It also assisted the researcher to divide the population into groups and understand how perceptions might be different for certain groups of officers.

Participants were asked about their interviewing experience (Topic 2). This topic was designed to provide information about the duration of police interviews, number of witnesses interviewed and challenges in interviewing witnesses, enabling the researcher to explore ideas and prospects regarding participants’ practices of interviewing witnesses. Table 3.2 illustrates this.

Table 3.2 Sample Question for Stage 1, Semi-Structured Interview

<table>
<thead>
<tr>
<th>B. Interviewing experience</th>
</tr>
</thead>
<tbody>
<tr>
<td>Open: I would like you to tell me with as much detail as possible about your experience in interviewing witnesses.</td>
</tr>
<tr>
<td>Probe:</td>
</tr>
<tr>
<td>B1 Duration of interview</td>
</tr>
<tr>
<td>B2 Number of witnesses interviewed</td>
</tr>
<tr>
<td>B3 Challenges in interviewing witnesses</td>
</tr>
<tr>
<td>Summarise/link: That’s a lot of details (key issues). Now, let’s move to talk about interview technique.</td>
</tr>
</tbody>
</table>
Another question related to interviewing techniques (Topic 3). Knowing officers’ technique of interviewing witnesses was considered important because it would allow the researcher to learn how they elicited information from witnesses, the underlying principles that informed their technique and their perceptions of their current interviewing technique. It was possible that a gap between principles and skills would be revealed, and that clear perceptions might be identified. This information could help the researcher to better understand how to tailor CI to existing interview practices.

Participants were also asked about their impression of interviewing (Topic 4). Information about how officers felt when they interviewed witnesses was considered important for uncovering their attitude to their existing practices. The question about operational experiences (Topic 5) captured information about whether the officers recorded interviews. It also captured information about common practices of writing police investigation reports. Such information was considered essential given that recording interviews for most types of crime is not compulsory in Indonesian policing contexts. This might inform further stages of data collection, more particularly when investigating the legal viability of CI in Indonesia’s criminal justice system.

The final topic was about officers’ views on training (Topic 6). The question included what training, materials and sources were available for officers to gain knowledge on interviewing skills. As well as shedding light on officers’ prior training, the responses to this question might provide the researcher with ideas about how to provide supplementary training in CI.

Officers’ responses to these six topics enabled the researcher to obtain data to address sub-question 1. In addition to taking notes, the researcher audio recorded the interviews to minimise any missed information. All of the interviews were conducted in the Indonesian language. The results of the semi-structured interviews informed the development of the questionnaire (see below).

3.3.1.4 Approaches to Interview Data Analysis

The interview data for Stage 1 were analysed qualitatively by means of content analysis (Elo & Kyngäs, 2008; Hsieh & Shannon, 2005; Shields & Twycross, 2008). There were two steps. The first was conducted manually and the second, which refined the manual analysis, was conducted with the assistance of QSR NVivo11 (Bazeley & Jackson, 2013). In both modes of analysis, the researcher searched for a specific pattern of meaning in the
data sets (Braun & Clarke, 2006) and quantified the frequency of the themes that occurred or the number of times participants talked about similar themes (Hsieh & Shannon, 2005).

In the manual mode, the analysis began with transcribing the interviews verbatim. Rather than looking at the pattern of language used by participants, patterns of participants’ views on their interviewing practices were identified (see Table 3.3). Broad transcription was sufficient for this purpose. For consistency in transcription, the researcher developed a simple system (see Appendix 3.3 for transcription conventions). After completing the transcription, the researcher read through the transcripts multiple times and then searched for themes. The transcripts were then re-read to capture key thoughts. During this stage of analysis, the researcher approached the text by making notes of her impressions, thoughts and initial themes. The researcher then listed and coded these themes. It is true that the identifying of themes is open to researcher’s bias. However, the researcher validated them through the literature to ensure that the coding was not inconsistent with prior research in this field. In addition, constant supervision provided by her main supervisor who is an expert in this field of study, during this coding process supported the reliability and consistency of the coding (cf. Jonsen & Jehn, 2009).

Table 3.3 Example of Manual Mode of Analysis

| INT: Ya, sekarang saya ingin bapak menyampaikan pengalaman bapak mewawancarai saksi sedetil mungkin. | Theme: Standard technique of interview |
| ‘Yeah, now I want you to tell me about your experience in interviewing witnesses as detailed as possible.’ | Note: In this excerpt, the officer did not mention that he used a standard interviewing technique. However, the researcher made an inference based on her knowledge of Indonesian police interviewing practices that the officer practiced a standard interviewing technique. |

OFFICER: Jadi setelah turunnya BAP kita terbitkan surat penyidikan, penyelidikan baru di euh ... setelah dikenal tindak pidananya baru ditingkatkan penyidikan, disitu langsung penyidikan kita udah mulai memeriksa. Saat pertama-tama kita memeriksa euh ... saksi pelapor ya, kita memeriksa saksi pelapor bahwa pelapor ini melaporkan kasus apa pasal berapa dan umpamanya kasus 378 372 ya penipuan penggelapan, ya pelapor ini ... saya periksa pelapor “Bapak melaporkan tindak pidana penipuan dan penggelapan. Apakah bapak bersedia untuk diperiksa?” “Siap”. Dan setelah bersedia, “Siapa yang melakukan tindak pidana?” Ya siapa yang melakukan tindak pidana,”Berapa kerugian?” Ya berapa kerugian, “Dengan cara bagaimana dia melakukan tindak pidana?” dan dengan cara
‘Well after the police investigation report was out, we published a letter of inquiry, the investigation only then was er … was found its criminal act, then was enhanced the inquiry, there was an inquiry directly, we had started to investigate. At the first time we investigated er … the reporting witness right, we investigated the reporting witness that he/she reported what kind of case, what article, and for example the case of 378 372 right, deception and fraud, well this witness, I investigated the witness, “You reported the deception and fraud criminal act. Are you ready to be investigated?” “Yes, I am.” And after he was ready, “Who did the criminal act?” Well, who did the criminal act, “How much the loss?” Right, how much the loss, “How he committed the crime?”, and how he committed the crime, then “How much was your loss?”, right and “How much money er … how much money that you spent?”, that is it right …

QSR NVivo11 assisted the researcher to refine the manual analysis through coding and thematic identification. Open coding was used, and codes were produced from the texts. In this second step, all interview transcripts were entered into the software. Entering the transcripts into NVivo helped the researcher to find themes based on the frequency of their occurrence. The process of reading and checking themes was iterative until all instances of the themes in the data were identified. To make the analysis more reliable, the researcher also consulted the notes taken during the interviews.

This type of qualitative methodology is called inductive or conventional content analysis (Hsieh & Shannon, 2005). During this stage, the researcher relied on data collected during the interviews (rather than on literature) to assist with generating codes and categories. Once the themes were coded, the researcher identified how often the themes appeared and how many panel members talked about similar themes. This identification of theme frequency makes content analysis different from thematic analysis, since it allows the researcher to quantify findings (Vaismoradi, Turunen & Bondas, 2013).

In the second step, the researcher used the text analysis features of NVivo—word frequency query (WFQ) and text search query (TSQ) (Bazeley & Jackson, 2013). WFQ
helped to identify the most common words used by participants and assisted the researcher to get a feel for what participants were saying. A high prevalence of words was used to explore possible themes. However, it should be noted that words appearing in high frequency were not necessarily coded as themes. For instance, stop words (e.g. articles, prepositions, pronouns) were not coded because they did not represent themes. To avoid coding these areas, the researcher created a stop word list to exclude these terms. Figure 3.5 shows the result of WFQ after the stop words were excluded in the form of a word cloud. Also, some ideas expressed in the interviews were not conveyed in explicit words or phrases and needed to be coded manually (Namey, Guest, Thairu & Johnson, 2008) (see Table 3.3).

Figure 3.5 Word Frequency Query in a Word Cloud
Presented in a list form, Figure 3.6 illustrates the result of WFQ after the stop words were excluded.

As Figure 3.6 shows, words such as *saksi* ‘witness’, *kasus* ‘case’, *pemeriksaan* ‘investigation’, *keterangan* ‘information’ and *melakukan* ‘do’ appeared in high frequency (i.e. top five). Excluding stop words such as articles, prepositions or pronouns, aligns with the coding framework of Braun and Clarke (2006) who explained that ‘a theme captures something important about the data in relation to the research question, and represents some level of patterned response or meaning within the data set’, but that ‘the “keyness” of a theme is not necessarily dependent on quantifiable measures’ (p. 10). Incorporating this technique, the researcher needed to create nodes for the themes mentioned above (*saksi* ‘witness’, *pemeriksaan* ‘investigation and *keterangan* ‘information’) because it was not clear how the participants talked about these concepts or how they fit into the
study. As for the word *kasus* ‘case’ and *melakukan* ‘do’, the researcher decided to exclude these from emergent themes from the beginning of the coding process, because both words were most likely used in parallel with *saksi* ‘witness’, *pemeriksaan* ‘investigation and *keterangan* ‘information’. Figure 3.7 demonstrates these emergent themes.

Figure 3.7 Emergent Themes

More specifically, when using TSQ for the theme *saksi* ‘witness’, it was revealed that the participants talked about witnesses who were reluctant to provide information, who were not telling the truth, who forgot about something in the past and who spoke different languages (see Figure 3.8). This theme also recognised the police officers’ efforts to deal with witnesses. The way the police dealt with witnesses represented police interviewers’ understanding of their practices of interviewing. At this stage, the theme *saksi* ‘witness’ was given a provisional label. After completing this process, the participants’ responses were re-read to see if they contained any further information regarding this theme. This aligns with Braun and Clarke (2006, p. 91) who stated that ‘data within themes should cohere meaningfully, while there should be clear and identifiable distinctions between themes’. On re-reading the data, the researcher decided to label the themes ‘witness dynamics’ and ‘police interviewers’ efforts to deal with them’.
NVivo11 assisted the researcher to create the themes inductively from the raw data. This approach to interview data analysis was also used during Stage 2 and Stage 3 of this research project.

3.3.2 Questionnaires

A questionnaire was used to follow up on the results of the semi-structured interviews conducted in Stage 1 and to obtain additional information relevant to Stage 1. Questionnaires were also used to answer sub-question 2 (all rounds of Delphi) and sub-question 3 (Delphi Round 2). This section focuses on the questionnaire relevant to sub-question 1.

Questionnaires are ‘any written instruments that present respondents with a series of questions or statements to which they are to react’ (Brown, 2001, p. 6). Dornyei and Taguchi (2010), Seliger and Shohamy (1989), and Oppenheim (1966) have all identified advantages in using questionnaires. Questionnaires remain one of the most efficient means of collecting data on a large scale as they can be sent simultaneously to a large number of people. Additionally, when using a questionnaire, respondents are able to remain anonymous, which allows them to share information more easily. The
questionnaire used in Stage 1 of this study combined closed and open-ended questions. While open-ended questions can lead to ‘a greater level of discovery’ (Gillham, 2000, p. 5) and can ‘more accurately reflect what the respondent wanted to say’ (Nunan, 1999, p. 143), they are more difficult to analyse than closed questions.

Regarding the questionnaire used in Stage 1, the following sub-sections describe the participants (Section 3.3.2.1), setting (Section 3.3.2.2), process of distribution (Section 3.3.2.3) and approaches to data analysis (Section 3.3.2.4).

3.3.2.1 Participants

There were 222 participants involved in this questionnaire, significantly more than were involved in the initial data collection (see Creswell et al., 2008); none of the original six participants answered the questionnaire. Their length of service as investigators ranged from less than five years (54.2 per cent) to more than 21 years (1.4 per cent). Their ranks descend from first-rank officers (43 per cent), to warrant officers (1.4 per cent) to non-commissioned officers (55.6 per cent). It was deemed important that the questionnaires be distributed to non-commissioned officers who had less exposure to crime investigation than warrant officers to provide a sense of balance due to the absence of this rank in the semi-structured interview data. The participants came from different crime investigation divisions and different regional police stations in Indonesia. However, all spoke fluent Indonesian. All had attended training on general and content-specific investigation skills. A small number had attended specialist interviewing training.

3.3.2.2 Setting

The Stage 1 questionnaire was distributed at the Criminal Investigation Education and Training Centre (Pusdik Reskrim) of the Indonesian National Police, Bogor (West Java).

3.3.2.3 Procedures of Questionnaire Distribution

The researcher met the police officer in charge of the Bogor facility at the 8th Annual Conference of the International Investigative Interviewing Research Group, which was held in Melbourne in June 2015, and was invited to distribute the questionnaire to the trainees. In light of this excellent opportunity, the researcher prepared questionnaires to distribute to police trainees. In the training, the questionnaires were not distributed by the researcher but by the officer, who had been a mentor or teacher in the Centre. The researcher had asked permission to distribute the questionnaires herself, but the officer
assured her that he would ask the students to answer it to the best of their abilities. Although an unequal power relationship exists between senior and junior police officers, the students were all adults. Moreover, the researcher supplied the participant information and consent forms along with the questionnaire\(^2\) for their consideration. It was considered that filling in the questionnaire about police perceptions would not harm them; instead, by (hopefully) improving the quality of police training, it would be beneficial.

The questionnaire was designed to substantiate and cross-validate the research findings of the semi-structured interviews. Therefore, it followed the same basic structure as the semi-structured interview. The questionnaire covered five topics: professional details, interviewing experience, interviewing technique, impressions of interviewing and training experiences (Harris & Brown, 2010). The sixth topic, on operational experiences, was not included in the questionnaire as sufficient information was gained through the semi-structured interviews. The content of the questionnaire was influenced by Dando, Wilcock and Milne (2008), Rachlew (1999), and Kebbel and Milne (1998). As mentioned above, the interview prompts were extended to include closed and open-ended questions, as illustrated in Tables 3.4 and 3.5.

\(^2\) The questionnaire is anonymous (i.e. participants were not asked to write their names in the questionnaire, or they were asked to provide pseudonym/alias). Please see Appendix 4.2 for Stage 1 questionnaire, Appendix 5.2 for Stage 2 Delphi questionnaires, and Appendix 6.2.2 for Stage 3 Delphi questionnaire.
### Table 3.4 A Sample Question for Stage 1, Questionnaire, Closed Question

**A. Professional details**

Tell me about your profession by completing the following table.

<table>
<thead>
<tr>
<th>1. Rank</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>5. Length of service as Investigators</td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ &lt; 5 years</td>
<td>☐ 16 – 20 years</td>
<td></td>
</tr>
<tr>
<td>☐ 6 – 10 years</td>
<td>☐ &gt; 21 years</td>
<td></td>
</tr>
</tbody>
</table>

**C. Interview technique**

3. Types of questions used

(you may tick more than one, after that rank the types of questions chosen based on its frequency of use that you can remember)

<table>
<thead>
<tr>
<th>Tick</th>
<th>Questions</th>
<th>Rank</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐</td>
<td>Open-ended (e.g. Tell me about …)</td>
<td></td>
</tr>
<tr>
<td>☐</td>
<td>Probing or specific (e.g. what? who? when? where?)</td>
<td></td>
</tr>
<tr>
<td>☐</td>
<td>Yes/No (e.g. Did you intend to push him to the window?)</td>
<td></td>
</tr>
<tr>
<td>☐</td>
<td>Leading (e.g. You know this was a serious offense, don’t you?)</td>
<td></td>
</tr>
<tr>
<td>☐</td>
<td>Forced-choice (e.g. Did he kick or punch the victims?)</td>
<td></td>
</tr>
<tr>
<td>☐</td>
<td>Multiple question (e.g. Do you know the guy? Where do you know him?)</td>
<td></td>
</tr>
<tr>
<td>☐</td>
<td>Opinion statement (e.g. I think you told me a lie because I have interviewed. Explain!)</td>
<td></td>
</tr>
</tbody>
</table>

4. Tick the most appropriate answer to the following questions, based on your interviewing experience

<table>
<thead>
<tr>
<th>Questions</th>
<th>Never</th>
<th>Rarely</th>
<th>Usually</th>
<th>Almost always</th>
<th>Always</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. How often do you find witnesses are cooperative in providing crucial</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Table 3.5 A Sample Question for Stage 1, Questionnaire, Open Question

<table>
<thead>
<tr>
<th>B. Interviewing experience</th>
</tr>
</thead>
<tbody>
<tr>
<td>I would like you to tell me as much detail as possible your experience in interviewing witnesses since you have been an investigator.</td>
</tr>
</tbody>
</table>

7. Challenges for interviewing witnesses

To ensure that the questionnaire worked as intended, the researcher conducted a pilot study. The target participants were police investigators so the participants of the pilot study were from similar groups. The researcher invited three police investigators to answer the questionnaire. Subsequently, they were asked to evaluate the quality of the questionnaire. The aim was to learn how the participants felt about questionnaire in general, whether the length and number of questions fitted the time allocated, whether the questions reflected the objectives of the research and whether the instructions were clear. In this regard, participants were asked ‘to be critical, to ask about things they don’t understand and to help us to make a better question schedule’ (Oppenheim, 1966, p. 62). The results of the pilot showed that the participants provided valuable feedback that was incorporated into the final design of the questionnaire (e.g. in Part B Interviewing Experience, the researcher added the words “per case” to No. 1 Numbers of witnesses interviewed to incorporate participants’ comments).

3.3.2.4 Approaches to Questionnaire Analysis

The Stage 1 questionnaires generated data in the form of comments derived from open-ended questions and short answers derived from closed questions. Data from the open-ended questions were analysed qualitatively by means of content analysis with the assistance of QSR NVivo11 (Bazeley & Jackson, 2013) and also manually. In both modes of analysis, the researcher searched for a specific pattern of meaning in the data sets (Braun & Clarke, 2006) and quantified the frequency of the themes that occurred or the number of times participants talked about similar themes (Hsieh & Shannon, 2005). This approach was similar to that described in Section 3.3.1.4.

Data from closed/specific questions were analysed by quantifying the frequency of participants’ answers or the number of participants choosing similar answers. The large data sets gained from the questionnaire allowed the researcher to create a PivotTable to
summarise and analyse worksheet data in Microsoft Excel. This helped the researcher to see the tendency of participants’ answers. In addition, for the purpose of examining whether there is a relationship between two variables in cross tabulations and how strong the relationship is, the researcher analysed them with the assistance of IBM SPSS Statistics 25 (SPSS). Since the cross tabulations involved tables with nominal data as well as nominal and ordinal data, and larger than a 2x2 table, using a nonparametric associational measure called Cramer’s V would be the appropriate statistic (Leech, Barrett & Morgan, 2012, p. 85; Morgan, 2013, p. 136). In SPSS, Cramer’s V is available from Analyze -> Descriptive Statistics -> Crosstabs.

According to Rea and Parker (2014, p. 218), ‘the possible values for Cramer’s V range from 0 to 1, with 0 representing no association and 1 representing a perfect association’. Morgan (2013, p. 137) noted that the value less than 1.00 is hard to interpret. In this regard, Rea and Parker (2014, p. 219) proposed a table for interpreting measures of association strength of relationships and this was used in this thesis to interpret the Cramer’s V value (see Table 3.6).

<table>
<thead>
<tr>
<th>Measure</th>
<th>Interpretation</th>
</tr>
</thead>
<tbody>
<tr>
<td>.00 and under .10</td>
<td>Negligible association</td>
</tr>
<tr>
<td>.10 and under .20</td>
<td>Weak association</td>
</tr>
<tr>
<td>.20 and under .40</td>
<td>Moderate association</td>
</tr>
<tr>
<td>.40 and under .60</td>
<td>Relatively strong association</td>
</tr>
<tr>
<td>.60 and under .80</td>
<td>Strong association</td>
</tr>
<tr>
<td>.80 to 1.00</td>
<td>Very strong association</td>
</tr>
</tbody>
</table>

(Adopted from Rea and Parker (2014, p. 219))

In the output of cross tabulation in the SPSS, the Cramer’s V value comes with approximate or exact significance (p-value).

Figure 3.9 shows the results of Cramer’s V for cross tabulation of B7 Challenges of interviewing witnesses and A1 Ranks. In interpreting the results of Cramer’s V analysis, the researcher took two steps. First, the researcher examined whether there is a relationship between the two variables by comparing the p-value to the preset alpha level (i.e. 0.05). If the p-value is less than the preset alpha level, the results are statistically significant and the null hypothesis of no difference or no association can be rejected (see e.g. Leech et al., 2012, p. 89). Second, the researcher examined how strong the relationship is by comparing the Cramer’s V value to the interpretation of measure as shown in Table 3.6. Note that, the second step would be taken only if the comparison between the p-value and the alpha level show significant differences.


<table>
<thead>
<tr>
<th>Symmetric Measures</th>
<th>Value</th>
<th>Approximate Significance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nominal by Nominal</td>
<td>Phi</td>
<td>0.584</td>
</tr>
<tr>
<td></td>
<td>Cramer’s V</td>
<td>0.337</td>
</tr>
<tr>
<td></td>
<td>N of Valid Cases</td>
<td>222</td>
</tr>
</tbody>
</table>

**Figure 3.9 The Cramér’s V Value and Its Approximate Significance**

As shown in Figure 3.9, the Cramér’s V test value for cross tabulation of B7 Challenges in Interviewing Witnesses and A1 Ranks was 0.337 and the approximate significance was 0.003 (see Appendix 4.3.2 B7). Based on the two steps mentioned above, we can see that the p-value is less than the alpha level (0.003 < 0.05), so B7 Challenges of interviewing witnesses and A1 Ranks are statistically significant at the 0.05 level. When there is association between both variables, we can move to the second step of interpretation. Based on Table 3.6, the Cramér’s V number 0.337 suggests that the level of association is moderate. Knowing the police rank will moderately help in identifying challenges that they will face in interviewing witnesses.

### 3.4 Stage 2: Language Appropriate for CI in Indonesian

Having completed data gathering for Stage 1, the researcher moved to the next stage to collect data for answering sub-question 2, namely ‘how linguistically appropriate are CI instructions in Indonesian?’ As mentioned earlier, the Delphi method was used twice in this research. In Stage 2, Delphi relied on consensus being reached\(^3\) by a group of experts regarding appropriate CI instructions in Indonesian (cf. Jorm, 2015). This method was chosen due to its capacity to address the lack of empirical evidence relevant to the topic—police interviewing of witnesses in Indonesia. There were a lot of uncertainties in regards to this speech event such as its formality style and smaller structural units (i.e. person reference choice, vocabulary, discourse marker). The Delphi method has largely been designed to reach consensus in such situations of uncertainty. It is able to pool people’s knowledge and the insights of various groups and provide more accurate judgements than those obtained when working with individuals only (Hasson et al., 2000; Keeney et al., 2011). Most importantly, the Delphi method is used to guide group opinions to a final consensus.

\(^3\) There is always a possibility that consensus is not reached. If this is the case, the researcher would consider the time-frame of the research (cf. Feilzer, 2010). Stage 2 Delphi involved four rounds and it achieved consensus in Round 4.
A detailed description of the Delphi technique is presented in Section 3.4.1. The following sub-sections describe its participants (Section 3.4.1.1), setting (Section 3.4.1.2), procedures of data collection (Section 3.4.1.3) and approaches to analysis (Section 3.4.1.4).

### 3.4.1 Consensus Delphi

In Stage 2, the purpose of data collection was to investigate how linguistically appropriate CI instructions were in the Indonesian language. Indonesian is not the first language of most Indonesian people; however, it is widely spoken in the research fields—Bandung and Jakarta. It is also the language of business and police operations in Indonesia. To examine the linguistic appropriateness of CI instructions in the Indonesian language, the researcher needed to gain a reliable consensus of opinion from a group of experts, and the Delphi technique was selected as the most appropriate method. This is because there is no empirical research on this topic, expert opinions bring a deep knowledge base and thoughts ‘providing confirmative judgments on the subject’ (Hasson & Keeney, 2011, p. 1699) and ‘group opinion is considered more “valid” and “reliable” than individual opinion’ (Keeney et al., 2011, p. 3).

Applying the Delphi technique, the opinions of a group of experts on the linguistic appropriateness of CI instructions in Indonesian was explored through a series of multi-staged iterations called rounds (Goodman, 1987; Keeney et al., 2011; Linstone & Turoff, 1975). In each round, each participant worked through a questionnaire, which was then returned to the researcher. The Delphi questionnaires consisted of three parts intended to obtain information on different issues related to CI instructions: Part A focused on whether the proposed Indonesian CI instructions were appropriate in Indonesian police interviewing settings, Part B investigated whether the proposed Indonesian CI instructions were effective in eliciting information from Indonesian witnesses and Part C was designed to uncover appropriate translations for English CI wordings. Further details on each part are provided below.
The process for completing the questionnaire was characterised by anonymity, iteration, controlled feedback and statistical group response (von der Gracht, 2012). Anonymity has been considered the most important factor contributing to the success of the Delphi method. When experts are anonymous, they are free to change their previously expressed opinions and their contribution is unlikely to be identified by another expert. These characteristics can lead to higher response rates. Unlike in a group situation, participants remain uninfluenced by other individuals, yet the collective response is still able to be collated in a group form. The iteration of the rounds, along with the provision of controlled group feedback also has advantages. The Delphi procedure (see Section 3.4.1.3) provided participants (i.e. experts) with a view of their responses in relation to the rest of the group. By locating this individual view within the group response, it allowed individuals the opportunity to rethink, modify or revise their prior judgement, eventually leading to consensus.

Determining the frequency and structure of the iteration process is an important consideration in the conduct of the Delphi method. The structure relates to how many rounds the study will take to exhaust all responses (Keeney, Hasson & McKenna, 2006; McKenna, 1994). The number of rounds can vary between two and four. In this research, Delphi lasted for four rounds (Hasson et al., 2000; Hsu & Sandford, 2007; Keeney et al., 2006). However, since it is known that the response rate can decline after two rounds, particularly when dealing with participants managing heavy workloads (McKenna, 1994), the researcher used face-to-face meetings (mainly in the first round) to attempt to increase response rate. The literature suggests that, if the participants know the researcher, they are more likely to complete the required number of rounds. It was also important to keep panel members engaged by sending them progress reports after each round, as this helped to maintain their interest and inspire them to complete and return all questionnaires.

After determining the composition and size of the panel, deciding on the measure or level of consensus is an important further step, as this controls whether the round is continued or concluded. This is a contentious area for Delphi researchers and debate is ongoing over what counts as a convincing indicator or level for consensus. As Stage 2 investigated the linguistic appropriateness of Indonesian CI instructions, what constituted consensus was the proportion of participants agreeing and/or disagreeing with a particular item on the questionnaire. Diamond et al. (2014), in their review of 100 English language Delphi studies published between 2000–2009, found that the percentage of agreement is the most
common definition for consensus. Measures of central tendency, including means, medians and modes, are also often used to describe consensus (Hasson et al., 2000).

McKenna (1994), and Green, Jones, Hughes and Williams (1999), contend that the level of agreement should equate to a definite percentage of 51 per cent and 80 per cent, respectively. If a group of responses obtained from a particular round fall above the set percentage, the next round is not produced. Keeney et al. (2011, p. 27) showed that several researchers set the level of achievement for consensus at ‘80% (Putman et al., 1995; Green et al., 1999), 75% (Keeney et al., 2006) [and] 51% (Loughlin & Moore, 1979)’.

It is not clear why the consensus level in most research is set at more than 51 per cent, nor why there are such varieties in the cut-off point. Indeed, in some case, the chosen level of consensus seems quite arbitrary. Nevertheless, determination of a certain level of agreement is essential. This measurement is meaningful because nominal scales or Likert-type scales are utilised to show panel members’ degree of agreement. In addition, as Fink et al. (1984, p. 982) stated, ‘the stricter the criteria the more difficult it is to obtain consensus’. Therefore, for Stage 2 Delphi, the researcher decided on 60 per cent as the predetermined level of consensus to indicate participants’ higher preference for one version over another in the provided CI instructions in Indonesian. This figure was chosen as it was considered a stronger cut-off point for measuring the level of agreement among a panel of experts (cf. Jorm, 2015) than 51 per cent, for which the determination of consensus would be premature. The following section elaborates how each part of Delphi was developed.

Note that the iterative processes of expert-opinion elicitation in the Delphi technique mentioned above were found in the literature to enhance the reliability of the results (e.g. Hasson & Keeney, 2011, p. 1698). These were structured to narrow the scope of the proposed alternatives of Indonesian CI instructions. The outcome of these processes (i.e. after expert opinions reached consensus) was a linguistic formula useful to establish a model of CI instructions appropriate for Indonesian police interviewing contexts. Literature on the Delphi technique suggest that to enhance confidence or validate and refine the Delphi findings, they need to be verified with further research (e.g. Hasson & Keeney, 2011). The model would become a strong basis for the researcher to proceed to conduct empirical testing of CI instructions. This model was valuable as it informed both theory and practice and might lead to knowledge expansion. Its testing was important because the production of the model involved group opinions which might be proven...
false by others or in the future (cf. Ayyub, 2001). Embedded in the model were claims that are justified with adequate reliability but are not necessarily infallible. However, empirical testing is beyond the scope of this thesis and is not the primary goal of the research. While the researcher could have directly tested alternatives of CI translation in an empirical model to identify optimal versions in Indonesian, the researcher found that the literature and data regarding Indonesian police institutional discourse that would be necessary to set the parameters of such a study were lacking (see Chapter 2). Hence, the Delphi technique offers the capacity for the elicitation of expert opinion and group consensus was considered to be a more realistic way of generating a model of CI instructions. In addition, the technique allowed open-ended questions which captured different probabilities and qualitative responses on what basis individual experts gave their judgement. This would not have been possible with an empirical testing model. Therefore, the testing is deemed to be most helpful once the model has been established.

**Part A: Appropriateness of Indonesian CI Instructions**

As mentioned earlier, Part A in Stage 2 was designed to elicit participants’ opinions on whether the proposed Indonesian CI instructions were appropriate in the Indonesian language and police interview setting. Such a design is intended to uncover the most suitable level of formality for CI instructions in Indonesian police institutional discourse, because formality is an important aspect of appropriateness. This part covered 16 Indonesian CI instructions across five types of styles (or formalities) of the Indonesian language. The 16 instructions were derived from eight English CI instructions or strategies that were translated into the Indonesian language. The eight strategies were building rapport, report everything (general), focused retrieval, context reinstatement (general), context reinstatement (specific), report everything (specific), change order and change perspectives. The type of styles explored in this part of the questionnaires ranged from least formal (style 1) to most formal (style 5) one (see Figure 3.10).

<table>
<thead>
<tr>
<th>Style</th>
<th>‘you’</th>
<th>‘you’</th>
<th>‘sir/madam’</th>
<th>‘metaphorical brother’</th>
<th>‘distant you’</th>
</tr>
</thead>
<tbody>
<tr>
<td>Style 1</td>
<td>kamu-in</td>
<td>kamu</td>
<td>Bapak/Ibu</td>
<td>saudara</td>
<td>anda</td>
</tr>
</tbody>
</table>

**Figure 3.10 The Continuum of Styles in Indonesian**

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The word ‘you’ in English CI instructions was translated into two different ‘you’ styles of the Indonesian language (see Table 3.7). The rest of the wordings of the translated CI instructions followed the designated styles. In this regard, style or formality was not only linguistically marked by person reference but also other grammatical entities (i.e. lexicon and syntax). In this regard, participants were provided with five Likert scales to choose from, forcing them to condense their assessment of the complexity of CI instructions to a single score on the dimension under investigation (cf. Dewaele, 2004, p. 388).

The distribution of styles across eight CI strategies can be seen in Table 3.7. The building rapport and report everything (specific) strategies took the form of styles 1 and 2. The report everything (general) strategy involved styles 3 and 4. The focused retrieval strategy included styles 1 and 5. The context reinstatement (general) strategy consisted of styles 2 and 3, and the context reinstatement (specific) strategy comprised styles 4 and 5.
Table 3.7 Distribution of Styles across 16 Indonesian Cognitive Interview Instructions

<table>
<thead>
<tr>
<th>No.</th>
<th>CI Wordings</th>
<th>Questionnaire</th>
<th>Distribution of Styles</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Style 1</td>
<td>Style 2</td>
</tr>
<tr>
<td>1</td>
<td>Building rapport</td>
<td>Markers</td>
<td>kamu-in</td>
<td>kamu</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Item No.</td>
<td>#1</td>
<td>#8</td>
</tr>
<tr>
<td>2</td>
<td>Focused retrieval</td>
<td>Markers</td>
<td>kamu-in</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Item No.</td>
<td>#14</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Report everything</td>
<td>Markers</td>
<td>Bapak/</td>
<td>Ibu</td>
</tr>
<tr>
<td></td>
<td>(general)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Item No.</td>
<td>#2</td>
<td>#16</td>
</tr>
<tr>
<td>4</td>
<td>Report everything</td>
<td>Markers</td>
<td>kamu-in</td>
<td>kamu</td>
</tr>
<tr>
<td></td>
<td>(specific)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Item No.</td>
<td>#6</td>
<td>#12</td>
</tr>
<tr>
<td>5</td>
<td>Context reinstatement</td>
<td>Markers</td>
<td>Bapak/</td>
<td>Ibu</td>
</tr>
<tr>
<td></td>
<td>(general)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Item No.</td>
<td>#3</td>
<td>#7</td>
</tr>
<tr>
<td>6</td>
<td>Context reinstatement</td>
<td>Markers</td>
<td>Saudara</td>
<td>Anda</td>
</tr>
<tr>
<td></td>
<td>(specific)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Item No.</td>
<td>#4</td>
<td>#11</td>
</tr>
<tr>
<td>7</td>
<td>Change order</td>
<td>Markers</td>
<td>Bapak/</td>
<td>Ibu</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Item No.</td>
<td>#13</td>
<td>#10</td>
</tr>
<tr>
<td>8</td>
<td>Change perspectives</td>
<td>Markers</td>
<td>kamu-in</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Item No.</td>
<td>#9</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>4</td>
<td>3</td>
</tr>
</tbody>
</table>

With the distribution shown in Table 3.7, the researcher was able to obtain an equal proportion of styles for each CI strategy, except for the least formal style, which was four (see ‘total’ in the last row). The presence of two styles for each CI strategy made the total number of items displayed in the Stage 2, Round 1 questionnaire, Part A, 16. Delphi was intended to find the best style among the two for each CI strategy (see Section 3.4.1.4.1 for procedures of data analysis).
Part B: Effectiveness of Indonesian CI Instructions

Stage 2, Part B was designed to bring to light participants’ opinions on whether the proposed Indonesian CI instructions were effective in eliciting information from Indonesian witnesses. The effectiveness related to the suitability of instructions in terms of their word length.

Part B consisted of 18 items covering three-word length types—short, medium and long—across six CI strategies: focused retrieval, context reinstatement (general), context reinstatement (specific), report everything, change order and change perspectives. To be clear, each CI strategy was assigned three variations of CI wordings chosen from the English CI corpus on the basis of the number of words (length). Stage 2 Delphi, Round 1, Part B focused on finding the best length among the three categories for each CI strategy (see Section 3.4.1.4.1 for procedures of data analysis).

The focused retrieval and report everything strategies exemplified the issues encountered in determining this. The original focused retrieval instruction in English had 16 words in the short version, 73 words in the medium version and 118 words in the long version. However, the original report everything instruction in English had 28 words in the short version and the medium and long versions were 46 and 58 words, respectively. From these examples, we can see that what was categorised as medium length in the focused retrieval instruction was categorised as long in the report everything instruction. Given this discrepancy, and in light of the limited number of English CI instructions in the corpus, the comparison between short, medium and long versions of the same instruction cannot be taken across strategies. It is important to note that, as the researcher employed a direct translation method, the length of the translated versions was not dissimilar to the original versions. Table 3.8 illustrates this.
### Table 3.8 Stage 2, Round 1, Part B
Distribution of Cognitive Interview Strategies and Lengths (Number of Words) in Both Original and Translated Versions

<table>
<thead>
<tr>
<th>No.</th>
<th>Strategies</th>
<th>Short</th>
<th>Medium</th>
<th>Long</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Original</td>
<td>Translated</td>
<td>Original</td>
</tr>
<tr>
<td>1</td>
<td>Focused retrieval</td>
<td>16</td>
<td>13</td>
<td>73</td>
</tr>
<tr>
<td>2</td>
<td>Context reinstatement (general)</td>
<td>48</td>
<td>37</td>
<td>89</td>
</tr>
<tr>
<td>3</td>
<td>Context reinstatement (specific)</td>
<td>40</td>
<td>45</td>
<td>74</td>
</tr>
<tr>
<td>4</td>
<td>Report everything</td>
<td>28</td>
<td>23</td>
<td>46</td>
</tr>
<tr>
<td>5</td>
<td>Change order</td>
<td>30</td>
<td>23</td>
<td>60</td>
</tr>
<tr>
<td>6</td>
<td>Change perspectives</td>
<td>27</td>
<td>23</td>
<td>51</td>
</tr>
</tbody>
</table>

Stage 2, Round 1, Part B consisted of 18 CI instructions. As person reference might influence the style or formality of the instructions (as shown in Stage 2, Part A), person reference in Part B was made consistent by using Anda ‘(the most formal) style of ‘you’ (cf. Schütze & Sprouse, 2014, p. 36).

**Part C: Appropriate Translation for English CI Wordings**

Stage 2, Part C was designed to uncover the most appropriate translation for English CI wordings. Round 1 of this part consisted of 14 English CI instruction wordings derived from five CI strategies. The distribution of the wordings per strategy is presented in Table 3.9: three wordings were associated with the focused retrieval strategy, seven wordings were related to the context reinstatement strategy, two wordings were linked to the report everything strategy, and one wording was connected to each of the change order and change perspectives strategies.
### Table 3.9 Distribution of English Wordings Per CI Strategies

<table>
<thead>
<tr>
<th>No.</th>
<th>CI Strategies</th>
<th>Wordings</th>
<th>Item No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Focused retrieval</td>
<td>to think about</td>
<td>#1</td>
</tr>
<tr>
<td></td>
<td></td>
<td>to concentrate very hard</td>
<td>#2</td>
</tr>
<tr>
<td></td>
<td></td>
<td>to focus in</td>
<td>#4</td>
</tr>
<tr>
<td>2</td>
<td>Context reinstatement</td>
<td>to go back to the images</td>
<td>#3</td>
</tr>
<tr>
<td></td>
<td></td>
<td>to develop a mental picture</td>
<td>#5</td>
</tr>
<tr>
<td></td>
<td></td>
<td>to think back to</td>
<td>#6</td>
</tr>
<tr>
<td></td>
<td></td>
<td>get a good clear picture of him in your mind’s eye</td>
<td>#7</td>
</tr>
<tr>
<td></td>
<td></td>
<td>get the best view of</td>
<td>#8</td>
</tr>
<tr>
<td></td>
<td></td>
<td>to picture the room in your head</td>
<td>#9</td>
</tr>
<tr>
<td></td>
<td></td>
<td>to reinstate in your mind the context surrounding the incident</td>
<td>#10</td>
</tr>
<tr>
<td>3</td>
<td>Report everything</td>
<td>in your own time and in your own pace</td>
<td>#11</td>
</tr>
<tr>
<td></td>
<td></td>
<td>don’t leave out any details that you can think of</td>
<td>#12</td>
</tr>
<tr>
<td>4</td>
<td>Change order</td>
<td>this time backwards</td>
<td>#13</td>
</tr>
<tr>
<td>5</td>
<td>Change perspectives</td>
<td>go through the event in the shoes of</td>
<td>#14</td>
</tr>
</tbody>
</table>

In the questionnaire, these wordings were put in a sentence to help participants understand the context of the utterance, for example, in item no #1, ‘to think about’ appeared in the sentence: ‘You might feel some anxiety when you think about the crime again’. To identify the wordings easily, they were printed in bold. Each English CI wording involved five alternative translated versions. This level of variation was provided on the basis of the most relevant words in the Indonesian language from the researcher’s point of view. The researcher based this view on the Indonesian language dictionary and discussion with Indonesian native speakers in the pilot study.

#### 3.4.1.1 Experts

In the Delphi method, experts are defined as ‘individuals whose experience, knowledge, or previous record of accurate judgement, suggests an intuitive grasp of how things happen and where things are going in a particular field’ (Cooper, 1974, p. 20). Panel members are chosen for their ability to provide substantial input and for their commitment and willingness to participate in the research (Gutierrez, 1989; Linstone & Turoff, 1975). The first criterion (input) relates to the objectivity, impartiality and gravity of the
individual’s opinion. The latter two criteria are essential in view of the fact that the Delphi method employs iterative processes. Keeney et al. (2011) proposed that experts’ specific qualifications, number of publications, geographical location and years of experience might also be appropriate criteria for determining the process of selection. Further, careful consideration should be taken with regard to variety and diversity of expertise. This is to ensure that all relevant perspectives are included to optimise decision-making.

It is clear that the selection of experts requires a purposive sampling method. Generally, the greater the number of participants the more valid the findings because each members’ response contributes less individually. However, the Delphi method usually only requires 10 participants to reach stable findings (Jorm, 2015). Hsu and Sandford (2007, p. 5) build on this perspective by emphasising that:

> If the sample size of a Delphi study is too small, these subjects may not be considered as having provided a representative pooling of judgments regarding the target issue. If the sample size is too large, the drawbacks inherent within the Delphi technique such as potentially low response rates and the obligation of large blocks of time by the respondents and the researcher(s) can be the result.

In light of this, it can be inferred that 20–30 experts should be sufficient to produce stable results (Akins, Tolson & Cole, 2005; Jorm, 2015). Keeney et al. (2011, p. 22) warned that ‘increasing the group size beyond 30 has seldom been found to improve results, as large panels can be difficult to manage and result in high attrition rates’. Financial and logistic considerations (Keeney et al., 2006)—often referred to as empirical and pragmatic considerations (Keeney et al., 2011)—are also important. Since Stage 2 Delphi and Stage 3 Delphi have different objectives, the composition and number experts involved might be different.

As mentioned in Section 3.4.1, Stage 2 Delphi relied on the consensus of a group of experts. Therefore, individuals were considered eligible to be invited to participate if they had backgrounds and experience related to the target issue. Twenty-three experts—seven academics (linguists) and 16 professionals (six interpreters/translators and 10 police investigators)—were chosen on the basis of the following criteria:

1) all participants had to be bilingual (English–Indonesian)
2) professionals required a minimum of 10 years’ experience or equivalent as verified by their employer or agency
3) academics required a deep understanding of the Indonesian language as proven by their publications and a higher degree qualification (at least masters)

4) willingness to participate.

It was found that, in relation to years of experience in their area of expertise, the average was 17.6 years. Nine out of 23 experts held a masters degree and eight held a PhD. Therefore, they were considered extremely qualified in their field. The distribution of the experts participating in Delphi is shown in Appendix 5.1.3. More specifically related to interpreters/ translators, these experts were involved because the study design required translation of English CI instructions into Indonesian and so judgments from them are of significance. These experts were consulted because of their knowledge of both the English and Indonesian languages and their experience of language translation in the legal and policing context, not for their expertise on police interviewing or interpreting police interviews. This is an important distinction because the research is concerned with monolingual Indonesian police interviews and the questionnaire did not ask about interpreting practices in Indonesian police interviews.

Initially, the researcher contacted linguists, translators/interpreters and police investigators who resided in Bandung or Jakarta. However, this recruitment method via personal contacts proved insufficient, so the researcher asked her contacts to provide the names of other potential experts, resulting in the application of a snowball sampling technique. With regard to police investigators, the researcher also recruited via more formal means; she asked for recommendations from the Human Resources Division of Criminal Investigation Agency (Bareskrim) of the Indonesian National Police (Police Headquarters, Jakarta). The participants were accepted after letters of support were obtained from this Agency.

The researcher gauged participants’ willingness to participate in the research by meeting them face-to-face or contacting them by phone or email. Documents, including the participant information form (see Appendix 5.1.1), consent form (see Appendix 5.1.2) and the proposed questions, were provided prior to Round 1 (see Appendix 5.2.1) to help participants understand more about the research procedures, as well as to help individuals decide whether to participate. To respect individuals’ privacy, participants were informed that no personal details would be included in the research findings or analysis. In addition, experts were given enough time and space to consider their participation. Most importantly, experts were informed that their participation was entirely voluntary and not
relevant to their employment. A summary of experts’ involvement in each Delphi round is provided in Appendix 5.1.4.

The researcher recognised that each expert has subjective judgment over the matters being evaluated (cf. Ayyub, 2001). However, as this study relied on consensus of their opinions, in combining the individual opinion of experts, the research found that there is little justification for applying different weights to different experts. This is because investigating the appropriateness of the language of CI in the Indonesian policing context is a new area of inquiry and each expert was exposed similarly to information on the questionnaire (cf. Leal, Wordsworth, Legood & Blair, 2001, p. 199).

3.4.1.2 Setting

Stage 2 took place in Bandung and Jakarta. The researcher met with the experts face-to-face at a venue of their choosing, usually at their office on campus or at the police station.

3.4.1.3 Procedures of Consensus Delphi

To assess the linguistic appropriateness of CI instructions in Indonesian, the Delphi took a modified form. Instead of using an open-ended questionnaire, the Delphi employed a closed questionnaire with columns provided for comments or feedback. The statements in the questionnaire were generated from the ‘the existing literature in the field’ (Keeney et al., 2011, p. 70)—that is, English CI instructions. The Delphi took into account the lack of a verified standard set of CI instructions in English. The research design recognised the need for evidence-based translations of CI into Indonesian, as well as the variations in the instructions for the English version of CI. The Indonesian instructions used in the Delphi were adapted and translated from the various published alternative versions of the CI mnemonics mentioned above.

Delphi consisted of four questionnaires (see Appendix 5.2) that were designed to achieve consensus. The questionnaires were in the Indonesian language. They were completed by participants, with the researcher’s assistance, at venues of the participants choosing, and

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4 In assessing the Indonesian CI instructions in the questionnaires, the participants were asked to imagine that the instructions were used with adult witnesses of a general/volume crime (i.e. robbery). The results of Stage 1 indicated that witnesses interviewed by participants in the research were predominantly aged 26-45 years old (57 per cent) (see Appendix 4.3 B2 Witnesses’ Age). As for the selection of a case, the researcher found that the percentage of occurrence of crime related to property has tended to be higher than murder or sexual assaults (Badan Pusat Statistik, 2015, 2016).
consensus was achieved in Round 4. The iterative process of the Delphi rounds are delineated below.

3.4.1.3.1 Round 1

There were 48 items assessed in Stage 2 Delphi, Round 1. Part A consisted of 16 items, Part B had 18 items and Part C comprised 14 items. The amount of time it took for each expert to complete Delphi Round 1 varied, but ranged from approximately 50–60 minutes. Out of 48 instructions presented in Round 1, 16 did not achieve consensus and so continued to Round 2.

Part A

In Round 1 Part A, participants were asked to score the Indonesian CI instructions they thought most appropriate. More specifically, they were asked to put a tick next to 5, 4, 3, 2 or 1, where 5 meant most appropriate and 1 meant least appropriate. They were also asked to explain the reasons behind the given score, or write suggestions if they had alternative wordings that they thought more appropriate than those provided. There were 16 items in this part of questionnaire. Table 3.10 shows the format of a sample question used in Part A.

| Table 3.10 Sample Question for Stage 2, Delphi, Round 1, Part A |
|-----------------|-----------------------------------------------------------------|
| Score           | 5  4  3  2  1                                                |
| Comment         | * Researcher’s translation: I ask you to recall when you saw the gun for the first time. You said that the robber was holding a gun in right hand, pointing at you. Recall when he/she pointed the gun at you. Now, try to focus on the memory of the gun, and tell me in detail what the weapon looked like. |
Part B

In Round 1, Part B, the experts were asked to put themselves in the shoes of a witness to an armed robbery who was being interviewed by a police investigator using CI instructions. Based on a prediction of responses to each CI instruction, the experts were asked to determine their effectiveness in eliciting information from witnesses. More specifically, they were asked to give a score in a 5 point Likert-type scale (with a midpoint), with 5 representing most effective and 1 least effective. They were also asked to provide comments. While factors such as witnesses’ health, state of mind and ability to remember events necessarily influences the quantity and quality of information obtained, participants were asked to limit their consideration to the CI instructions used by police investigators. There were 18 items in this part. Table 3.11 shows the format of a sample question used in part B.

<table>
<thead>
<tr>
<th>2. Instruction</th>
<th>Anda berada di tempat kejadian perkara tadi malam. Ceritakan semuanya yang Anda ingat.*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Score</td>
<td>5  4  3  2  1</td>
</tr>
<tr>
<td>Comment</td>
<td></td>
</tr>
</tbody>
</table>

* Researcher’s translation: You were at the crime scene last night. Tell me everything you remember.

Part C

Several English CI instructions have been identified by Lai (2016) as problematic when translated into other languages including Indonesian. In Round 1, Part C, experts were asked to translate the bold words in English CI instructions into Indonesian. Next, they were asked to rank the five provided alternative translations from 5 to 1, with 5 meaning the most appropriate translation and 1 the least appropriate. There were 14 items in the Part C questionnaire in Round 1. Table 3.12 shows the format of a sample question.
What I am going to ask you to do now is to tell me what happened, but this time backwards.

<table>
<thead>
<tr>
<th>Alternatives of Translation</th>
<th>Rank</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) sekarang dengan urutan mundur (^1)</td>
<td></td>
</tr>
<tr>
<td>b) sekarang dengan alur mundur (^{ii})</td>
<td></td>
</tr>
<tr>
<td>c) sekarang dengan urutan mulai dari belakang (^{iii})</td>
<td></td>
</tr>
<tr>
<td>d) sekarang mulai dari belakang terus ke depan (^{iv})</td>
<td></td>
</tr>
<tr>
<td>e) sekarang ceritakan dari peristiwa yang paling akhir terjadi (^v)</td>
<td></td>
</tr>
</tbody>
</table>

Researcher’s translations:
\(^1\) now in reverse order
\(^{ii}\) now in reverse chronology
\(^{iii}\) now with the order starting from the back
\(^{iv}\) now starting from the back straight ahead
\(^v\) now tell from the event that most recently occurred.

3.4.1.3.2 Round 2

There were 16 items in Stage 2 Delphi, Round 2. Part A had eight items, Part B had six items and Part C comprised two items. The amount of time it took for each expert to complete the Delphi Round 2 questionnaire varied, but ranged from approximately 20–30 minutes. Out of 16 instructions displayed in Round 2, two did not achieve consensus and so both continued to Round 3.

**Part A**

In Part A, Round 2, the experts were asked to give scores and comments as in the previous round. However, in this round, to get better results, the midpoint of the scale (score 3) was not used. For their consideration, the score they gave in Round 1 was displayed alongside the average score of all experts. Eight out of 16 items in Part A, Round 1 continued to Round 2. Table 3.13 illustrates the format of a sample question used in Part A, Round 2. How item number 5 was formed from items 4 and 11 is described in Section 3.4.1.4.2.
### Table 3.13 Sample Question for Stage 2, Delphi, Round 2, Part A

<table>
<thead>
<tr>
<th></th>
<th>Instruction</th>
<th>Score</th>
<th>Comment</th>
</tr>
</thead>
</table>

### Results of Round 1

<table>
<thead>
<tr>
<th>No.</th>
<th>Instructions</th>
<th>Your score</th>
<th>Average score</th>
</tr>
</thead>
</table>

Researcher’s translations:

1 The robber was carrying a gun while performing the action. Well you try to remember again when you saw the gun for the first time. You said that the robber pointed his/her gun at you. Let’s go back to the memory when the gun was pointed at you. Please focus only on the memory of the gun only (pause). Then tell me in detail as much as Mr./Mrs. remember the characteristics of the gun.

2 I ask you to recall when you saw the gun for the first time. You said that the robber was holding a gun in right hand, pointing at you. Recall when he/she pointed the gun at you. Now, try to focus on the memory of the gun, and tell me in detail what the weapon looked like.

3 I ask you to recall the moment when you saw the gun for the first time. You said the robber was holding the gun in his/her right hand and it was pointed at you. Remember back to when he/she pointed the gun at you. Now, try to focus your memory on the gun, and tell me in detail what the gun looked like.

As mentioned in Section 3.4.1 regarding Part A, each CI strategy was translated into two styles. Only one style of each strategy continued to Round 2.
Part B

In Part B, Round 2, the experts were asked to give scores and comments as in the previous round. However, in this round, to get better results, the midpoint of the scale (score 3) was not used. For their consideration, the score they gave in Round 1 was displayed alongside the average score of all experts. Six out of 18 items from Part B, Round 1 continued to Round 2. Table 3.14 provides the format of a sample question used in Part B, Round 2.

Table 3.14 Sample Question for Stage 2, Round 2, Part B

<table>
<thead>
<tr>
<th>No.</th>
<th>Instruction</th>
<th>Score</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>4</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>1</td>
<td></td>
</tr>
</tbody>
</table>

Results of Round 1

<table>
<thead>
<tr>
<th>No.</th>
<th>Instructions</th>
<th>Your score</th>
<th>Average score</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Saya tidak berada di tempat kejadian perkara tadi malam jadi saya ingin Anda menceritakan semuanya yang Anda ingat. Ceritakan, sekalipun hal itu Anda anggap sepele, tidak penting, atau Anda tidak bisa ingat semuanya. Informasi sekecil apa pun akan membantu pemeriksaan. Semua yang muncul dalam ingatan, sampaikan. Jangan berpikir kami sudah mengetahuinya. Silakan gunakan waktu Anda dan tolong ceritakan semuanya yang Anda ingat. ii</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Anda berada di tempat kejadian perkara tadi malam. Ceritakan semuanya yang Anda ingat. iii</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Saya di sini membantu Anda mengingat situasi dengan rinci, membantu Anda untuk meningkatkan ingatan, memfasilitasi Anda</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
dengan alat/teknik yang dapat membantu Anda mengingat dan menceritakan sebanyak-banyaknya apa yang Anda ingat.

Karena Anda berada di tempat kejadian perkara sedangkan saya tidak, artinya Anda orang penting: bukan saya. Informasi mengenai apa yang terjadi dan apa yang diobrolkan waktu itu sangat bergantung pada apa yang Anda ingat. Anda perlu konsentrasi penuh untuk memanggil ingatan tersebut, perlu kerja keras memang. Untuk itu saya juga akan bekerja sebaik-baiknya agar Anda lebih mudah melakukannya. iv

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Researcher’s translations:

i Because you were at the scene of the robbery, while I was not, it means you are an important person, not me. All information regarding the incident are there in your mind. Well I am here to guide you best to recall the incident. Feel free to concentrate fully on the scene. No matter how small the information will be helpful in the investigation. Therefore, do not let anything missed. Please you tell all that comes up in memory as free as possible.

ii I was not at the crime scene last night so I want you to tell me everything you remember. Tell me, even if you consider it trivial, unimportant, or you cannot remember everything. Even the slightest information will be helpful in the investigation. All that comes to mind, just say it. Do not think we already know. Please use your time and tell me everything you remember.

iii You were at the crime scene last night. Tell me everything you remember.

iv I'm here to help you to recall the situation in detail, to help you to improve memory, facilitate you with the tools/techniques that can help you remember and tell as much as you can remember. Because you are at the crime scene while I did not, it means that you are an important person: not me. Information about what happened and what was talking about at that time depend on what you remember. You need to fully concentrate to summon the memory, it is a hard work indeed. For that I will work as well as possible so you can do so easily.

As mentioned in Section 3.4.1 regarding Part B, each CI strategy was designed with three different variations in terms of word length. Only one version of each strategy continued to Round 2.

Part C

In Part C, Round 2, participants were asked to evaluate which versions of translated CI expressions they thought most appropriate for the context of Indonesia. More specifically, they were asked to put a tick next to 5, 4, 2 or 1, with 5 meaning most appropriate and 1 meaning least appropriate. The midpoint of the scale (score 3) was not used. In the space provided they were asked to write the reasons behind the given score, or write suggestions if they knew alternative translations that they considered more appropriate than those provided. There were two items in this round. Table 3.15 shows the format of a sample question used in Round 2, Part C.
Table 3.15 Sample Question for Stage 2, Round 2, Part C

<table>
<thead>
<tr>
<th>Alternatives of translation</th>
<th>Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) sekarang dengan urutan mundur (^i)</td>
<td>5 4 2 1</td>
</tr>
<tr>
<td>b) sekarang dengan alur mundur (^ii)</td>
<td>5 4 2 1</td>
</tr>
<tr>
<td>c) sekarang dengan urutan mulai dari belakang (^iii)</td>
<td>5 4 2 1</td>
</tr>
<tr>
<td>d) sekarang mulai dari belakang terus ke depan (^iv)</td>
<td>5 4 2 1</td>
</tr>
<tr>
<td>e) sekarang ceritakan dari peristiwa yang paling akhir terjadi (^v)</td>
<td>5 4 2 1</td>
</tr>
</tbody>
</table>

Comment:

---

3.4.1.3.3 Round 3

There were two items assessed by experts in Round 3, one in Part A and one in Part B. The amount of time necessary for completing Stage 2 Delphi, Round 3 varied for each participant, but ranged from 5–10 minutes. The experts were asked to put a tick next to 5, 4, 2, or 1, with 5 meaning most appropriate and 1 meaning least appropriate. As in Round 2, the midpoint of the scale (score 3) was not used. The score the experts gave in Round 2 was displayed alongside the average score of all experts. Table 3.16 provides the format of a sample question used in Part B, Round 3.
Table 3.16 Sample Question for Stage 2, Delphi, Round 3, Part B

<table>
<thead>
<tr>
<th></th>
<th>Instruction</th>
<th>Score</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Anda tadi sudah bercerita tentang apa yang Anda ketahui terkait dengan perampokan itu. Agar membantu Anda lebih mengingat kejadian itu, sekarang Anda gunakan sudut pandang orang lain untuk melihat kejadian itu, bisa orang yang berada di toko saat perampokan terjadi. Misalnya, kasir toko. Kalau Anda berdiri di posisi si kasir nah pikirkan apa yang mungkin Anda lihat.</td>
<td>5</td>
<td>4</td>
<td>2</td>
<td>1</td>
</tr>
</tbody>
</table>

---

Results of Round 2

<table>
<thead>
<tr>
<th>No.</th>
<th>Instruction</th>
<th>Your score</th>
<th>Average score</th>
</tr>
</thead>
</table>

Researcher’s translations:

i You have told me what you know about the robbery. To help you better remember the robber, now you use someone else’s perspective to see the incident, can be someone who was in the store when the robbery happened. For example the store cashier. If you were standing in the position of the cashier, well think about what you might see.

ii You just told me about what you know about the robbery. To help you better remember the incident, now you’re using someone else’s perspective to see the incident, that could be the person who was in the store when the robbery occurred. For example, the store cashier. Imagine you were standing at the cashier position and think about what might the cashier see from that position.

3.4.1.3.4 Round 4

Two items were examined by experts in Round 4. The amount of time it took to complete the round varied for each participant, but ranged from 5–10 minutes. The experts were asked to undertake a similar process as in Round 3. The display of items in the questionnaire was also similar to that in Round 3. Consensus on both items was achieved in Round 4, meaning that Delphi was accomplished. How and why items were discarded or continued in each round is explained below.
3.4.1.4 Approaches to Data Analysis of Consensus Delphi

Stage 2, as mentioned previously, was intended to explore the linguistic appropriateness of CI in Indonesian. Data were in the form of Likert scale values and qualitative comments. The results of every round were analysed quantitatively with descriptive statistics. Mode and median of the Likert scores were examined, and the consensus rate was set at 60 per cent. The comments and/or feedback provided by the participants were analysed qualitatively. The process of analysis for each type of data per round is presented below; the process of developing the questionnaires for subsequent rounds incorporating the results of the previous rounds is also described.

3.4.1.4.1 Round 1

In Round 1, Part A and Part B, experts were asked to rate CI instructions in a Likert-type scale (with a midpoint) and to provide comments. In Round 1, Part C, experts were required to provide their own translation and to rank the five provided alternative translations from 5 to 1, with 5 meaning the most appropriate translation and 1 the least appropriate.

Part A

Data from the Likert-type scale was tabulated and data from participants’ comments were coded then tabulated. Analysis was conducted on the CI strategies by comparing the mode and median between the two styles associated with each CI strategy. The decision about whether a particular item needed to be carried on to subsequent rounds was based on which style within each CI strategy was preferred by the participants. The item with the lower mode or median was dropped and the item with higher mode or median was taken to Round 2. The two styles were labelled X and Y. If style X’s mode/median was higher than style Y, style X was carried to Round 2. If not, it was discarded. This process of analysis reduced the 16 CI instructions in Round 1 to eight in Round 2 (see Appendix 5.3.2 for a diagram of the process of analysis of Stage 2 Delphi, Part A, Round 1).

As well as analysing the Likert score data, the researcher analysed and tabulated the participants’ comments. This analysis, which involved a bottom-up process, resulted in 11 categories of comments or issues being identified: types of ‘you’, change of words, suggestions from experience, repetition, complexity, stylistic variations, social class, broad social concerns, contextual information, questioning practices and act effects (see
Appendix 5.3.4 for categories used in the analysis of participants’ comments). These categories were found across strategies and rounds and were used by the researcher as input when considering possible improvements to the Indonesian version of CI instructions (see Appendix 5.5 for the amendment process of CI instructions of Part A).

**Part B**

Data from the Likert-type scale was tabulated, and comments were coded and tabulated. Analysis was conducted on the CI strategies by comparing the mode, median and percentage of agreement among the categories of word length associated with each strategy. The decision about whether a particular item needed to be carried on to subsequent rounds was based on which category of word length within each CI strategy was preferred by the participants. The item with the lowest mode, median and percentage of agreement was dropped and the item with the highest mode, median and percentage of agreement was taken to Round 2. To be clear, the three categories of word length were labelled as X, Y and Z. If X’s mode/median/percentage of agreement was higher than Y and Z, then X was carried on to Round 2; otherwise, it was discarded. In this way, all CI strategies would return to the participants in the next round with only one variant of length. As a result, the 18 CI instructions in Round 1 became six in Round 2 (see Appendix 5.7.2 for a diagram of the analysis process in Stage 2 Delphi, Round 1, Part B).

The results of the Likert-type scale data analysis of the 18 CI instructions in Round 1 showed that the majority of the participants considered the medium and short category of word length more effective in eliciting information from witnesses. More specifically, the participants preferred the medium word length for focused retrieval, context reinstatement (specific) and change order instructions, and the short word length for context reinstatement (general), report everything and change perspectives instructions. The CI instructions for Round 2 were developed using the selected word length as a baseline. For example, as the preferred focused retrieval instruction was medium length, in Round 2, the length of the wording of the focused retrieval instruction was about medium. However, responding to participants’ comments, the researcher could change the exact wording, adopting wordings from the other two variants of length, but retaining the overall word length (see Appendix 5.9 for the amendment process of CI instructions of Part B).
Part C

As in Part A and Part B of Delphi, Part C also focused on consensus among participants—in this case, regarding the appropriate translation of English CI instructions into Indonesian. This part generated two kinds of data: participants’ translations and participants’ ranking of alternative translations (see Appendix 5.11.2 for the analysis process of Round 1, Part C).

Data from participants’ translations in Round 1 were coded then tabulated. The participants’ translations were compared to the researcher’s translations. The purpose was to examine how closely the researcher’s translations corresponded with the participants’ versions. Enough similarities were noted between the participants’ and the researcher’s translations to declare that the researcher’s translations were sound.

Data from the ranking in Round 1 was tabulated to obtain the mode, median, percentage of agreement, percentage of uncertainty and percentage of disagreement. As rank 5 and 4 denoted appropriateness, the researcher categorised both as signalling agreement. With regard to rank 2 and 1, the researcher classified both as signalling disagreement. The researcher classed rank 3 as denoting uncertainty. Data from the ranking involved two layers of analyses. These were conducted first by comparing the mode and median of the five alternatives of translation and, second, by considering the percentage of agreement of the five alternative translations. The decision about whether a particular translation needed to be carried on to subsequent rounds was based on which alternative translations were preferred by participants. This could be identified by the mode and median receiving higher than 3 and gaining a consensus rate of more than 60 per cent. If both requirements were fulfilled, the alternative translation would not return to the participants in Round 2. From this process of analysis, the 14 CI instruction wordings in Round 1 were reduced to two in Round 2.

3.4.1.4.2 Round 2

In Parts A, B and C of Round 2, experts were asked to rate CI instructions in a Likert-type scale (without a midpoint) and to provide comments.

Part A

The processes of analysis employed in Rounds 2–4 are presented in Appendix 5.3.3. The decision about whether a particular instruction needed to be carried on to subsequent
rounds was based on the rate of consensus. More particularly, if the rate of agreement/disagreement of participants with regard to a CI instruction was more than 60 per cent, the instruction was considered to have achieved consensus, which meant that it did not need to continue to the following round.

There were eight items tested in Round 2. The Round 2 questionnaire was developed by considering participants’ comments in Round 1. The mechanism of Stage 2 Delphi, Round 2, resulted in seven Indonesian CI instructions achieving consensus. One item, the change perspectives instruction, continued to Round 3 and Round 4.

**Part B**

The process of analysis used in Round 2 is presented in Appendix 5.7.3. This process was also applied in Round 3 and Round 4. The decision about whether a particular instruction needed to be carried on to subsequent rounds was based on the percentage of agreement/disagreement. If the rate of agreement/disagreement exceeded 60 per cent, the instruction would reach consensus.

There were six items tested in Round 2. The Round 2 questionnaire was developed by considering participants’ comments in Round 1, as explained above. The mechanism of Stage 2 Delphi, Round 2 resulted in five Indonesian CI instructions achieving consensus. One item, the change perspectives instruction, continued to Round 3 and Round 4.

**Part C**

In Round 2, the participants were asked to assess which alternative translation was the most appropriate version using a five-point Likert scale (without a midpoint). They were also asked to provide comments. The decision on which alternative translation achieved consensus was determined by analysing mode, median and percentage of agreement. Only items receiving modes and medians of 4 or 5 and rates of agreement exceeding 60 per cent achieved consensus. This process analysis was similar to that used in Round 1 (see Appendix 5.11.2).

Twelve CI instruction wordings achieved consensus in Round 1: ‘to think about’, ‘to concentrate’ and ‘to focus in’ from the focused retrieval strategy; ‘to go back to the images’, ‘to think back to’, ‘to get a good clear picture of him, ‘in your mind’s eye’, ‘to get the best view of’, ‘to picture the room in your head’ and ‘to reinstate in your mind’ from the context reinstatement strategy; ‘in your own time and in your own pace’ and
‘any details’ from the report everything strategy; and ‘in the shoes of’ from the change perspectives strategy. Only two CI instruction wordings returned to participants in Round 2: ‘mental pictures’ from the context reinstatement strategy and ‘backwards’ from the change order strategy.

3.4.1.4.3 Round 3

In Round 3, experts were asked to rate CI instructions using a Likert-type scale (without a midpoint) and to provide comments. This round involved two items, one each from Part A and Part B. The process of analysis was similar to that of Part A and Part B in Round 2 (see Section 3.4.1.4.2).

3.4.1.4.4 Round 4

The two items presented in Round 3 did not achieve consensus and so they continued to Round 4. A similar process of analysis as used in Round 3 was applied (see Section 3.4.1.4.2). Stage 2 Delphi was completed in Round 4 as the remaining items achieved consensus.

3.5 Sub-Question 3: Legal Viability of CI in the Indonesian Policing Context

Stage 3 explored the legal viability of CI in the Indonesian policing context. More specifically, it examined how experts might respond if CI was implemented in the Indonesian criminal justice context and explored the most suitable legal environment in which CI could work. Data for Stage 3 were collected after Stage 2 was complete.

As mentioned earlier, the Delphi method was used twice in this research. Stage 3 used a non-consensus type of Delphi. The Delphi explored experts’ opinions on matters related to the legal viability of CI to identify any issues and/or problems that might need to be considered when applying CI in Indonesia. Given the lack of published research in this area, such matters can only be explored via experts’ opinions. The Delphi method was chosen for its capacity to pool people’s knowledge and insights (Keeney et al., 2011). The Stage 3 Delphi data collection was approved by the RMIT Human Research Ethics Committee on 4 August 2016 (Project Number CHEAN B 0000020321-07/16, see Appendix 6.1).
3.5.1 Non-Consensus Delphi

In Stage 3 Delphi, the purpose of data collection was to explore the legal viability of CI in the Indonesian policing context. Interviews were used in the first round and closed questionnaires were used in the second round. Taking a non-consensus approach, Delphi aimed to support future decisions regarding the implementation of CI in the Indonesian policing context by structuring and discussing the diverse views of experts (Linstone & Turoff, 1975). The selections of experts (Section 3.5.1.1), setting (Section 3.5.1.2), procedures (Section 3.5.1.3) and approaches to data analysis (Section 3.5.1.4) in Stage 3 Delphi are described below.

3.5.1.1 Experts

Stage 3 Delphi involved 28 experts: 20 legal professionals (i.e. five police investigators, two lawyers, six prosecutors and six judges), five academics (two psychologists, two criminologists and one policing studies expert), two human rights’ activists and one journalist. They were chosen on the basis of the following criteria:

1) legal professionals had to have a minimum of 10 years’ experience in dealing with criminal investigations or equivalent as verified by their employer or agency
2) academics had to have a deep understanding of policing and the Indonesian criminal justice system and a higher research degree (at least a masters)
3) activists had to have expressed concerns about human rights’ observance-violation in Indonesia, as proven in examples of their writing or activities regarding human rights’ affairs
4) willingness to participate.

Most of the experts had more than 10 years’ experience in their area of expertise; the average was 20.8 years’ experience. Eleven out of 28 experts held a masters degree and 12 held a PhD. Therefore, they were all considered qualified in their field. The distribution of the experts who participated in Stage 3 Delphi is provided in Appendix 6.1.3.

The researcher contacted criminologists, psychologists, human rights’ activists and lawyers in Bandung and Jakarta and met with them face-to-face. Snowball sampling was also applied, particularly when personal contacts were not sufficient. For example, the researcher asked a lawyer and a psychologist to nominate other potential participants. Legal professionals were recruited from their agencies. The researcher contacted the
agencies to gain permission/approval and the agencies nominated participants based on the criteria the researcher had set. In the end, 26 experts were involved in Round 1 and 24 participated in Round 2. Four experts from Round 1 did not participate in Round 2 because three of them were busy and one of them passed away; however, two additional experts joined that round. The involvement of these research participants is shown in Appendix 6.1.4.

3.5.1.2 Setting

Stage 3 took place in Bandung and Jakarta. The researcher met with the experts face-to-face at venues of their choosing, usually at their office on campus or at their institution/agency.

3.5.1.3 Procedures of Non-Consensus Delphi

Stage 3 Delphi consisted of two rounds. In Round 1, the experts were interviewed by the researcher to gain their views on how CI might look in an Indonesian policing setting and the effect of applying CI to police processes in Indonesia. In Round 2, the experts were asked to fill in questionnaires. The following section details the procedures of both rounds.

3.5.1.3.1 Round 1

Round 1 assessed the legal viability of CI. The interview took a maximum of 60 minutes, and followed the presentation of two videos of police interviews using CI in an Anglo setting. The researcher gained permission to use both videos—the first from Open University, UK, and the second from the Memorial University of Newfoundland, Canada—and provided Indonesian subtitles. A set of memory retrieval instructions in Indonesian had been generated from the previous study (see Stage 2). The subtitles helped the experts to gain an idea of what CI looks like, especially in relation to the application of the strategies of context reinstatement, focused retrieval and report everything. The total duration of the videos was about 15 minutes. Table 3.17 provides the format of a sample interview question used in Stage 3 Delphi, Round 1 (see details in Appendix 6.2.1).
If Indonesian police investigators employed the cognitive interview (CI) technique in eliciting information from factual witnesses of a crime event, how would it be? 

CI in Indonesian
Open:
I would like you to think about what CI might look like in the Indonesian policing context

Probe:
A1 CI practices
A2 Suitability of CI
A3 Procedures of CI

Summarise/link: That’s a lot of detail (key issues). Now, let’s move to talk about the impact of CI.

3.5.1.3.2 Round 2

In Round 2, the experts were asked to express their opinion on statements in the questionnaire using a Likert-type scale ranging from ‘strongly agree’ to ‘strongly disagree’. The questionnaire consisted of 21 items/statements distributed into four parts: Part A covered the legal environment of CI, Part B was about witness investigation procedure in relation to CI, Part C focused on the making of police investigation reports using CI and Part D looked at the effect of implementing CI in witness examinations. The researcher assisted the experts individually in every round. Table 3.18 shows the format of a sample of statements in the questionnaire (Part A).
Table 3.18 Sample Question for Stage 3, Delphi, Round 2, Part A

<table>
<thead>
<tr>
<th></th>
<th>For a maximum retrieval of information from the memory of the witness, the investigator guides the witness to relive the robbery incident in the memory of the witness. The investigator asks the witness to focus his/her mind on the event, then the investigator asks the witness to start remembering slowly the event location, where was he/she standing, what did he/she see in the surrounding area, what did he/she hear, so that the witness has a clear image of the robbery. After the image of the incident is caught clearly in the memory of the witness, the investigator then asks the witness to tell all they can remember as completely as possible. The aforementioned strategy of ‘context reinstatement’ can be used in a legal environment that:</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>accommodates as much as possible in order that the investigation process is recorded both in audio and video</td>
</tr>
<tr>
<td></td>
<td>encourages the investigator to hear testimony from the witness (whether it is related to the case or not) with active and attentive listening</td>
</tr>
<tr>
<td></td>
<td>requires the examination room to meet the standards of completeness that may guarantee a quiet, bright, and clean atmosphere, and does not pose a daunting impression so that the witness is able to testify comfortably and unstressed</td>
</tr>
<tr>
<td></td>
<td>during the examination, the officer always shows a friendly attitude, protecting, and nurturing the examinee</td>
</tr>
<tr>
<td></td>
<td>other (please specify):</td>
</tr>
<tr>
<td>Comment for No. 4</td>
<td></td>
</tr>
</tbody>
</table>

3.5.1.4 Approaches to Data Analysis of Non-Consensus Delphi

The previous section explained the procedures of non-consensus Delphi. This section describes the method of data analysis: qualitative and quantitative.
3.5.1.4.1 Round 1

As with the interview data obtained in Stage 1, the results in Stage 3 were analysed qualitatively with the assistance of NVivo11 and manually. Themes and sub-themes were identified and tabulated to see the tendency of experts to agree or disagree on particular issues. Further details are provided in Appendix 6.3.

3.5.1.4.2 Round 2

The results of Round 2 were analysed quantitatively using descriptive statistics (i.e. by calculating the percentage of agreement, uncertainty and disagreement of the experts). This highlighted the dominant attitudes of experts towards the issues being investigated (see Appendix 6.4 for the results of the questionnaires).

3.6 Limitations of Research Design

As mentioned in Section 3.2, this study employed a qualitative dominant mixed-methods design. This design aspired to provide a contextualised understanding of some police interviewing practices, language and legal aspects of CI in the Indonesian policing context through an intensive study of CI. In selecting participants of this study, at all stages, rather than including participants’ sociolinguistic variables (i.e. gender, age, geographical distributions), this study chose participants’ working experience and educational background as parameters (i.e. non-probability/convenience sampling) to uncover police perceptions of their interviewing practices, language and legal aspects of CI. Designing the study around non-probability/convenience sampling limits the generalisability of the study. Although the demography of the target population is relatively homogeneous, the sampling method used might still limit the extent to which the sample is representative of the target population. Moreover, the use of interviews and questionnaires in almost all stages of the study means that all data stem from participants’ perceptions of issues under investigation based on their experience or knowledge, rather than from observation of their practices. Nonetheless, a study of police and other professional perceptions of interviewing remains valuable to the development of appropriate training materials.
3.7 Conclusion

This chapter outlined the methodology of this study. It was explained that the overall research design has three sections in accordance with the stages of data collection. A mixed-method design was implemented in each stage to respond to each of the three sub-questions. As there were similarities in types of data used in addressing each sub-question, overlaps in terms of the description of approaches to data analysis were recognised and addressed by cross-referencing relevant sections. Semi-structured interviews and survey procedures were used as methods of data collection. The interviews and questionnaires were in the Indonesian language, in which the participants and researcher were fluent.

To address the main research question, the answers to sub-question 1–3 are presented in Chapter 4, Chapter 5 and Chapter 6, respectively. These answers are brought together and discussed in Chapter 7. The qualitative dominant mixed-methods design limits the thesis in terms of the generalisability of its findings. This limitation is recalled in Chapter 8.

The next chapter presents the results of the first stage of data collection (semi-structured interviews and questionnaire) to address sub-question 1 concerning police officers’ perceptions of their interviewing practices.
Chapter 4: Police Officers’ Perceptions of Their Existing Interview Practices (Stage 1)

4.1 Introduction

The main research question of this thesis—‘how well can the Cognitive Interview (CI) technique work in the Indonesian policing context?—is being addressed in three stages. This chapter examines Stage 1 to answer sub-question 1: ‘what are police investigators’ perceptions of their existing practices of interviewing witnesses?’ Its findings inform Stage 2 (see Chapter 5) and Stage 3 (see Chapter 6).

Studies of police training in various countries have shown that interviewing practices need to be improved (Aarons, Powell & Browne, 2004; Cherryman & Bull, 2001; Dando et al., 2008; Hill & Moston, 2011; Kebbell & Milne, 1998). Poor interviewing practices are sometimes caused by a lack of exposure to, and understanding of, ethical interviewing practices. This thesis contends that introducing Indonesian police to CI remains the best alternative. However, the researcher recognises that investigators’ understandings of their existing interview techniques and practices may affect this (cf. Brown & Benedict, 2002). Therefore, to a certain extent, the viability of CI in Indonesia depends on addressing the gap between existing interview practices and CI, which is the focus of this chapter.

To gain participants’ perspectives on their existing interview practices, this study employed semi-structured interviews and a questionnaire, which together comprise Stage 1 of the project. The semi-structured interviews covered six topics: professional details, interviewing experience, interview technique, impressions of interviewing, operational experiences and views on training. The questionnaire covered similar topics, except impressions of interviewing. The interviews involved six police investigators of the General Criminal Investigation Department of the West Java Police Station. Two hundred and twenty-two police trainees from the Criminal Investigation Education and Training Centre of the Indonesian National Police completed the questionnaire.

This chapter analyses the data gained from the semi-structured interviews and questionnaire, taking a theme-based approach. A summary of the data showing the themes and frequency of occurrences per interview topic and questionnaire item are presented in Appendix 3.4 (semi-structured interviews) and Appendix 4.3 (questionnaire). Such an approach was chosen because the trends observed in the interview data were consistent
with those in the questionnaire. Being complementary, they assisted in balancing aspects of the analysis. As well as providing valuable insights into investigators’ perceptions of their interview techniques (thereby contributing to the main research question by informing later stages of data collection), this chapter shows the potential for adapting CI to Indonesia’s policing context. It does this by uncovering existing techniques that are relevant to CI and exploring existing institutional and operational contexts in Indonesia.

4.2 Findings

This section presents findings from the semi-structured interviews and questionnaire regarding police officers’ perceptions of their existing interview practices. The findings are organised into five themes as reported by participants: 1) names of existing techniques, 2) practices, 3) training, 4) perceptions of witnesses and 5) recording. Each theme is supported by evidence from participants’ responses to the semi-structured interviews and/or questionnaire.

4.2.1 Names of Interviewing Techniques

The semi-structured interview and questionnaire data show that investigators use various names to describe their existing interview techniques. These names were disclosed in participants’ responses to semi-structured interview topic A Professional Details, numbers A1 Ranks and A2 Length of Service as Investigators, and topic C Interviewing Techniques, especially number C1 Names of Interviewing Techniques. They were also used in participants’ responses to questionnaire item A Professional Details, numbers A1 Ranks and A4 Length of Service as Investigators, and item C Interviewing Techniques, especially C1 Names of Interviewing Techniques. Further details from both types of instruments are provided below and the results are contextualised with reference to police ranks and length of service as investigators. Excerpts from the semi-structured interviews and a summary of top results from the questionnaire are also presented (the tables of frequency can be found in Appendix 3.4 and 4.3 respectively).

Participants’ responses to C1 Names of Interviewing Techniques in both the semi-structured interviews and questionnaire revealed that many names were used to describe existing interview techniques. The six participants of the semi-structured interviews provided six different names for their current practices: ‘a humane and an open interviewing technique’ (Int#1), ‘an investigation technique incorporating psychological principles’ (Int#2), ‘a direct interviewing technique’ (Int#3), ‘an interviewing technique
outlined by the agency’ (Int#4), ‘a humane interviewing technique’ (Int#5) and ‘a heart-to-heart interviewing technique’ (Int#6). This wide range of names was accounted for by Int#2 who explained that there was no specific name for the existing interview technique (Excerpt 4.1).

**Excerpt 4.1 (Int#2)**

*Kalau saya sebenarnya kalau nama tekniknya ga ada, cuma saya selalu memadukan antara teknik pemeriksaan dengan psikologi orang. Iya karena saya dulu memang dasarnya dulu dari sekolah pendidikan guru memang. Jadi secara psikologis emang belajar secara psikologis. Nah dari situh mungkin jadi masukan pembekalan untuk saya jadi dipadukan antara teknik pemeriksaan dengan mempelajari euh ... tingkah laku orang.*

Actually, there is no specific name for the technique, but I always use a combination of an investigation technique and the witness’ psychology. Yes, because my background is in pedagogy. So, I studied psychology. So, it becomes a foundation for me to combine an investigative technique and a technique of learning about er ... people’s behaviours.

Int#2 was a first rank officer with 18 years’ experience as an investigator. Most of the research interview participants were first rank officers¹ (five out of six participants); only one participant, Int#5, was a warrant officer. It is interesting to note that Int#1 (first rank officer) and Int#5 (warrant officer) both described their technique as ‘humane’. The length of service of Int#1 as an investigator was seven years, whereas Int#5 had 25 years’ experience. Despite this apparent congruence, among first rank officers, whose average length of service as investigators was 17 years, there was no agreement about the naming of current techniques.

The questionnaire data showed the same trend. From 222 responses to the question *C1 Names of Interviewing Techniques*, 26 different categories of answers were recorded and one unknown category (see Appendix 4.3.3 Figure C1). The largest proportion of participants (32.43 per cent) agreed that they used a technique known as ‘asking 6WH + 1H questions’.² The next highest percentage of participants did not provide an answer to the question (16.22 per cent). After ‘asking 6WH + 1H questions’, the highest rated

¹ First rank officer is higher in rank than warrant officer. It is the highest police rank of the participants in this research.

² This technique means that investigators ask interviewees questions about *who, what, with what, when, where, why and how*. This is the usual or standard technique used by police when eliciting information from witnesses/suspects (cf. Clifford & George, 1996).
techniques were ‘asking open questions’ and ‘providing comfort’ (approximately 7 per cent). ‘Facilitating recall’, ‘using interviews’, ‘understanding the case’, ‘asking intelligible questions’, ‘using pressure’, ‘asking article-compatible questions’, ‘building rapport’ and ‘showing evidence’ achieved less than 5 per cent each, while ‘synchronising and gathering evidence’ gained approximately 5 per cent. ‘Using a question trap’, ‘showing empathy’, ‘note-taking’, ‘asking indirect questions’, ‘reading witnesses’ gestures’, and ‘reading witnesses’ minds’ were the smallest categories (at less than 1 per cent). Referring to both sets of findings (i.e. semi-structured interview and questionnaire data), it is clear that the greater the number of participants, the more variation there is in names and labels associated with interview techniques.

As mentioned, 222 participants answered the questionnaire. In descending order of seniority, they ranged from first rank officers (43 per cent) to warrant officers (1.4 per cent) to non-commissioned officers (55.6 per cent) (see Appendix 4.3.1 Figure A1). Appendix 4.3.3 (Table C1A1) compares the distribution of names provided by the three groups and their relationships to the ranks. The number of first rank and non-commissioned officers was dominant so it is interesting to compare both groups’ responses regarding the naming of current interview techniques. Table C1A1 shows that the p-value was 0.901 and it is more than the 0.05 preset alpha level. This indicates that both techniques of interviewing witnesses and police ranks are not statistically significant. Therefore, we cannot say which ranks that are more open to using non-standard procedures or more lenient to ‘Asking 6WH + 1H questions’ (standard interview).

Questionnaire participants’ length of service as investigators ranged from less than five years (54.7 per cent) to more than 21 years (1.4 per cent) (see Appendix 4.3.1 Figure A4). Given this degree of variation, cross tabulation of techniques of interviewing witnesses and the length of service as investigators was conducted to see the distribution of the naming of interview techniques by participants and the relationship between both variables (see Appendix 4.3.3 Table C1A4). Overall, more than one-third of the investigators cited ‘asking 6W + 1H questions’ (standard interview). The label ‘asking open questions’ was preferred by investigators with ‘6–10 years’ (3.60%) and ‘less than 5 years’ (3.15%) experience, and the ‘using interviews’ technique was seven times more popular among investigators with ‘16–20 years’ experience (21.43 per cent) than those

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3 Investigators create a comfortable environment so that witnesses can share information about incidents with ease.
with ‘less than 5 years’ experience (3.42 per cent). ‘Showing evidence’ and ‘using interrogation’ were practised most commonly by those with ‘less than 5 years’ and ‘16–20 years’ experience. Unfortunately, as Table C1A4 of Appendix 4.3.3 showed, p-value was more than the alpha level (0.806 > 0.05). This indicates that both variables are not statistically significant. Therefore, we can neither suggest that, the longer the length of service as investigators, the fewer the number of alternative names for interview techniques were provided nor those participants were less reliant on standard interviews. Like the factor of police ranks, the length of service as investigators cannot be used to predict police preference of using particular techniques of interviewing witnesses.

None of the participants (semi-structured interviews and questionnaire) mentioned evidence-based techniques such as CI. However, several labels identified from the questionnaire participants’ responses resonate well with CI techniques, for example, ‘asking open questions’, ‘providing comfort’, ‘facilitating recall’, ‘asking compatible questions’, ‘giving explanations’, ‘building rapport’ and ‘showing empathy’.

The wide variation in names given to interview techniques raises questions about how such interviews are conducted in practice. Participants’ practices of interviewing witnesses are discussed below.

### 4.2.2 Interviewing Practices

All participants (semi-structured interviews and questionnaire) agreed that the purpose of interviewing witnesses was to elicit information to fulfil the elements of legal articles relevant to the case being investigated. Probing questions were considered paramount to the success of an interview. To ensure that witnesses provided information, participants found it necessary to assume the role of a powerful authority figure. The data regarding interview practices was drawn from semi-structured interview participants’ responses to topic C Interviewing Techniques, especially questions C2 Goals of Witness Interviews, C3 Approaches to Witnesses, C4 Actions in Interviewing Witnesses and C5 Questioning Practices (see Table 4.1). They were also taken from questionnaire participants’ responses to topic B8 Good Witness Interviews, topic C Interviewing Techniques, especially numbers C2 Actions in Interviewing Witnesses (see Appendix 4.3.3 Figure C2) and C3 Types of Questions (see Appendix 4.3.3 Table C3).

The responses to research interview question C2 Goals of Witness Interviews show that most participants (83.30 per cent) identified goals for their police interviews with
witnesses and that these predominantly related to fulfilling the elements of the legal article (see Table 4.1). Consequently, the officers commonly formulated questions and gathered information from witnesses that they thought would fit the crime and penalise the suspect.

**Table 4.1 Interview Data: Interviewing Techniques**

<table>
<thead>
<tr>
<th>Theme</th>
<th>Number of participants</th>
<th>Percentage of participants</th>
</tr>
</thead>
<tbody>
<tr>
<td>Goals of witness interview</td>
<td>5</td>
<td>83.30%</td>
</tr>
<tr>
<td>Approaches to solving problems in dealing with witnesses</td>
<td>5</td>
<td>83.30%</td>
</tr>
<tr>
<td>Actions in interviewing witnesses</td>
<td>6</td>
<td>100%</td>
</tr>
<tr>
<td>Questioning</td>
<td>4</td>
<td>66.70%</td>
</tr>
</tbody>
</table>

Responses to research interview question *C3 Approaches to Witnesses* show that participants made particular efforts when they found that witnesses were not in the condition they expected—for example, when witnesses were reluctant to provide information (see the summary of participants’ responses regarding approaches to problems in dealing with witnesses in Appendix 3.4.3 C3). Some participants stated that they motivated witnesses to retrieve memories and/or encouraged them to relate their memory directly to the event. Others reported helping witnesses to remember particular details. Half (50 per cent) of the participants reported confronting witnesses who were identified as fabricating evidence (i.e. telling lies). One participant stated that he used ‘a humane approach’ in such cases, by which he meant that he tried to avoid letting the witness become emotional, by offering explanations about witnesses’ legal obligation to provide truthful information. One participant stated that he confronted witnesses about lying and another claimed that he showed evidence to challenge lying witnesses’ accounts. These examples suggest a level of inconsistency between officers’ proclaimed ‘humane’ beliefs and actual interviewing practices.

Some participants reported that witnesses could be reluctant to provide information (see further findings related to conditions of witnesses in Section 4.2.4), in which case their approach was to explain that witnesses were obliged to provide information⁴. Participants

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⁴ According to Int#3, law stipulated that witnesses should provide truthful information. He found that using a religious approach (i.e. quoted a verse from Koran) generally worked in relation to witnesses lying. Int#5 said that he approached reluctant witnesses by explaining witnesses’ capacity to provide information as they saw and heard a crime and that in this country (i.e. Indonesia) they are legally
believed that this approach generally worked. Most participants also believed that using a language that was intelligible and appropriate increased witnesses’ willingness to share information. One participant mentioned using empathy when interviewing witnesses, especially when the witness was a victim.

Responses to semi-structured interview question C4 Actions in Interviewing Witnesses show that all six participants made preparations before conducting interviews. These included ‘understanding the case’, ‘the composition of the case and its chronology’, ‘investigation planning’, ‘finding legal articles that fit crimes in order to penalise suspects’, ‘preparing materials and a list of questions’, and ‘understanding the language used and culture of the place where witnesses reside’. Such actions were viewed as helpful in terms of the later interview (see Excerpt 4.2).

Excerpt 4.2 (Int#2)

Jadi jelas itu harus direncanakan pertanyaan yang akan diberikan, kalau tidak ada kalanya lupa apalagi kalau di misalnya dines di daerah konflik atau misalnya daerah yang kerap dengan euh ... ya kayak masih pedalaman lah. Kita kadang-kadang nangani kasus ... pengalaman saya dulu ketika kasus ini menyangkut ketua adat atau pimpinan euh suatu daerah atau kita lakukan periksa itu, ga tau saya percaya dan tidak pegang perkara ini langsung ngantuk.

So it is clear that we must prepare the questions we are going to ask, otherwise we will be unable to remember, let alone when we work in an area of conflict, for example in er … a hinterland region. We handled a case … involving the chief of the tribe er when we interviewed him, believe it or not, all of a sudden we fell asleep.

One participant claimed that, on one occasion, he started interviewing a witness prematurely after receiving a letter of assignment when the correct procedure was to conduct a pre-investigation to confirm that the case actually contained an offence. Some participants mentioned that interviews should be initiated in full cognisance of the interviewees’ willingness to be interviewed, their physical and mental health, and their rights. Only when such conditions were met could investigators ask about witnesses’ personal information and family background.

obliged to provide information. If this explanation to witnesses did not work, he would explain it once more.
‘Giving an explanation’ was viewed as a positive action when interviewing witnesses. Participants believed that providing an explanation encouraged witnesses to share information. Excerpt 4.3 illustrates this.

**Excerpt 4.3 (Int#5)**


The witness gave clear information so he did not feel rigid, right? Feel apprehensive about the interview. If he experienced such a feeling, he would not be able to explain it well. We then explained to him what is called a witness, the person who saw, heard and is legally obligated in our country to give information. The witness sometimes keeps quiet, but we explained it again and again.

Three semi-structured interview participants were concerned that witnesses often distrusted the police; therefore, they viewed building witnesses’ trust as important. These participants tried to reduce the degree of social distance between themselves and witnesses by conducting small talk and learning about witnesses’ likes and dislikes before proceeding to case-related topics. In doing so, they believed that witnesses were generally more open and willing to share information. Excerpt 4.4 demonstrates this.

**Excerpt 4.4 (Int#2)**

Ternyata dengan kita memberikan jarak antar saksi dengan kita, saksi ada hal yang ditutupi sehingga kita harus lebih mendalami kejiwaan saksi. Sehingga dia tidak ada kesan bahwa saya yang diperiksa jadi seolah-olah dia tuh temen kita gitu. Sehingga apa pun, dia pun tidak akan merasa dimintai keterangan oleh kita seolah-olah kita kayak ngobrol biasa padahal kita ada hubungannya dengan hal yang ditangani.

By creating distance with the witness he concealed information, so we have to understand his mentality more. This is to create closeness, so he feels like we are his friends. So that everything, he did not feel like he was interviewed, so it feels more informal but still related to the case being investigated.
According to some participants, using ‘intelligible language’ assisted them in gathering information from witnesses. However, in the context of multilingual Indonesia, they recognised that this could be difficult, as demonstrated in Excerpt 4.5.

**Excerpt 4.5 (Int#2)**

*Karena dia juga kadang kalakatak dengan, dilema mungkin dulu ada bahasa "kalau jadi saksi jangan mau oleh polisi" nah itu kadang-kadang menjadi kendala oleh kita. Tapi dengan pendekatan kita dengan kasus itu biasanya dengan bahasa yang enak, kita juga menguasai bahasa yang jelas. Ada kalanya kalau di wilayah priangan kita bahasa Indonesia itu udah biasa ya, tapi kalau, kalau misalnya kita ... saya pernah dines di Indramayu kadang kala banyak masyarakat yang tidak bisa bahasa indonesia dan bahasa daerahnya pun sulit ...

The witness might feel apprehensive probably because in the past people said ‘I don’t want to be a witness for the police’, which sometimes becomes a challenge. But by means of our approach to the case, usually by using good language, clear language. In the Priangan area Indonesian is a common language, but if we for example … I had been assigned in Indramayu and the people there were not good at speaking Indonesian and their local language was difficult for me …

Analysis of the questionnaire data also identified participants’ actions in relation to interviewing witnesses. Appendix 4.3.3 (Figure C2) shows 13 identified practices when interviewing witnesses. ‘Asking questions’ was the most common action (41 per cent), followed by ‘providing comfort’ (27.5 per cent). ‘Preparing materials of examination’, ‘asking condition’ and ‘preparing facilities’ were reported by 18 per cent of participants, while ‘summoning’, ‘asking identity’ and ‘explaining purposes’ were reported by less than 16 per cent. The least favoured actions (reported by less than 10 per cent of participants) were ‘asking willingness’, ‘writing police report’, ‘observing rights’, ‘treating humanely’ and ‘taking vows’.

Questionnaire participants were asked to list the characteristics of good witness interviews and 15 themes emerged (see Appendix 4.3.2 Figure B8). Witness interviews that facilitated ‘comfort’ (19.82 per cent) and were conducted with ‘no pressure’ (19.37 per cent) were regarded as the best types. ‘Standard procedure’ was also considered important (17.57 per cent), followed by ‘politeness’ (13.51 per cent). ‘Interview questions’, ‘intelligible language’ and ‘preparation’ received less emphasis than ‘politeness’, yet were considered more important than ‘times of interviews’, ‘presumption of innocence’ and ‘human rights’ observance’. The least important characteristics were
‘showing empathy’, ‘note-taking’ and ‘building rapport’ (0.45 per cent). A reasonably high proportion (10.36 per cent) of participants did not give responses to this item (see Appendix 4.3.2 Figure B8).

When the responses regarding the characteristics of good interviews were cross tabulated with police ranks, it was found that non-commissioned officers were able to identify the characteristics of a good interview more readily than first rank officers (see Appendix 4.3.2 Table B8A1). ‘Comfort’ was emphasised by non-commissioned officers (11.26 per cent), and ‘no pressure’ (10.36 per cent) and ‘standard procedure’ (10.36 per cent) were seen as less important. In contrast, ‘no pressure’ was emphasised by first rank officers (7.66 per cent), and ‘comfort’ and ‘standard procedures’ were seen as less important (7.21 per cent). Overall, these three themes were the most favoured characteristics of a good interview across all ranks. However, the p-value of variables of good witness interviews and police ranks was more than the alpha level (0.872 > 0.05) meaning that there are no differences between both variables. Therefore, we cannot suggest that a good witness interview is predicted from police ranks.

The reported characteristics of a good interview were also cross tabulated with length of service as investigators (see Appendix 4.3.2 Table B8A4). Like police ranks, length of service as investigators is not associated with a good interview. This is shown by the p-value of both variables more than the alpha level (0.072 > 0.05).

For most participants, the practice of interviewing witnesses involved three stages: 1) pre-interview (i.e. preparations), 2) during interview (i.e. conditioning the witnesses and asking questions with reference to the elements of the designated legal article), and 3) post-interview (i.e. writing a report to fulfil prosecutorial purposes). The micro elements of the second point (i.e. how to ask questions of witnesses) are examined below.

As mentioned earlier, details about the practice of interviewing were derived from participants’ responses to semi-structured interview topic C5 Questioning Practices and questionnaire item C3 Types of Questions. The following presentation of findings about the practice of interviewing is extended through cross-examination with police rank and length of service as investigators.

As identified in the previous section, the questions asked by investigators were predominantly case-related, compatible with witnesses’ responses and legally relevant to the elements of the offence. Further, as identified in the analysis of the research interview
data, WH-type and yes/no questions were the main types of questions asked. A question such as ‘are you ready for the interview?’ is a yes/no question, whereas ‘who committed the crime?’ and ‘how did he/she commit the crime’ are WH-type or probing questions. Both are classed as confirmatory-type questions, as Excerpt 4.6 shows.

**Excerpt 4.6 (Int#1)**

Let’s take the case of fraud embezzlement, articles 378 and 372, as an example, I interviewed the informer, he reported to the police about the fraud ‘Are you ready for the interview?’ ‘Yes, I am.’ If yes, I continue asking, ‘Who did the fraud?’ ‘Well, who committed the crime? How much was the loss? Right, how much was the loss, how did he commit the crime, and how did he commit the crime, then how much was your loss? Right and how much money er how much money did you spend? Right. How many goods had been spent and how much was the total, and what was the total loss?’ And how the perpetrator committed the crime right, how? ‘After you were interested in the offer from the perpetrator, did you give something? And gave something right gave something with the total x’. ‘And after the transaction, you gave something to that person, was it realised or not realised or not as promised?’

To obtain information from the questionnaire regarding the types of questions used by police investigators, participants were asked to rank seven types of questions in order of frequency of use. Most participants emphasised probing questions (ranked first by 46.02 per cent of participants). Approximately 40 per cent of participants placed open-ended questions second and multiple questions third (31.29 per cent). Yes/no, leading and forced choice questions were ranked fourth, fifth and sixth, respectively (i.e. less than 30 per
cent). Statement-type questions were ranked last by 67.86 per cent of participants (see Appendix 4.3.3 Table C3)

It is instructive to consider whether particular types of questions were used more or less often according to police rank and length of service as investigators (see Appendix 4.3.3 Tables C3.1A1 – C3.7A1 and Tables C3.1A4 – C3.7A4). In relation to police rank and the use of probing questions, non-commissioned officers used such questions twice as often as first rank officers (see Appendix 4.3.3 Table C3.2A1). More than half of non-commissioned officers reported using open questions, whereas less than half of first rank officers did so (see Appendix 4.3.3 Table C3.1A1). Likewise, more non-commissioned officers (16.56 per cent) used multiple questions than first rank officers (10.43 per cent) (see Appendix 4.3.3 Table C3.6A1). The p-values of the cross tabulation of three types of questions mentioned above and police ranks were more than the alpha level. This indicates that there are no differences between the types of questions and police ranks. Therefore, we cannot say that the higher the rank of the investigator, the less frequently they used (or reported using) multiple questions. Other factors might be associated with the preference of using particular types of questions, but these need further investigation.

With regard to length of service as investigators, those with ‘less than 5 years’ experience used probing questions more frequently than others (see Appendix 4.3.3 Table C3.2A4). It seems that the longer the length of service, the less frequent the use of probing questions. Just a quarter of those with ‘less than 5 years’ experience reported using open-type questions (hence its first place ranking). Participants with ‘6–10 years’, ‘11–15 years’ and ‘> 21 years’ experience reported using open-type questions less frequently (13.07 per cent, 3.98 per cent, 1.70 per cent, respectively) (see Appendix 4.3.3 Table C3.1A4). Those with ‘less than 5 years’ experience seemed more likely to use multiple questions (15.34 per cent) than those with ‘6–10 years’ experience (8.59 per cent) and those with more than 11 years’ experience (less than four per cent) (see Appendix 4.3.3 Table C3.6A4). As with police rank, the finding showed that there was no significant difference between types of questions and the length of service as investigators (p value > alpha level). Therefore, we can say that there is no association between police preference of using particular types of questions with their length of service as investigators.
Analysis of the semi-structured interview and questionnaire data shows that questions move from probing to open and then back to probing and multiple. The following section examines participants reported levels of training in criminal investigation.

4.2.3 Training in Criminal Investigation

The findings from both types of instrument (i.e. semi-structured interviews and questionnaire) show that, while police investigators were said to be trained using a non-specific investigative interviewing approach, the main emphasis of the training materials they received was on legislative components, such as formulating questions to fulfil the legal elements of the offence. These findings were drawn from participants’ responses to semi-structured interview topic F Views on Training, numbers F1 Kinds of Training, F2 Training Materials and F3 Another Source of Interviewing Skills. They were also informed by participants’ responses to questionnaire item E Views on Training, especially E1 Kinds of Training and E3 Reflections on Training. This section also presents findings from questionnaire item A2 Duties.

The research interview data revealed that police investigators participating in this study had received training on basic interviewing skills and content-specific criminal investigation skills. Materials on specific witness interviewing techniques were not provided. More importantly, the materials that were provided focused on the implementation of the legal article relevant to the case.

Four themes emerged from analysis of the semi-structured interview data regarding the six participants’ views on their training in criminal investigation (see Table 4.2). All participants had received ‘training materials’. Most had received ‘training in content-specific crime investigation skills’ (83.30 per cent), half had received ‘training in general investigation skills’ (50 per cent) and one was the recipient of ‘individual learning’ (16.67 per cent).
Table 4.2 Interview Data: Training Experiences

<table>
<thead>
<tr>
<th>Theme</th>
<th>Number of participants</th>
<th>Percentage of participants</th>
</tr>
</thead>
<tbody>
<tr>
<td>Training materials</td>
<td>6</td>
<td>100.00%</td>
</tr>
<tr>
<td>Training in content-specific investigation skills</td>
<td>5</td>
<td>83.30%</td>
</tr>
<tr>
<td>Training in general investigation skills</td>
<td>3</td>
<td>50.00%</td>
</tr>
<tr>
<td>Individual learning</td>
<td>1</td>
<td>16.67%</td>
</tr>
</tbody>
</table>

One participant stated that the training he received on general investigation skills helped him to develop confidence, especially in interviewing academics (e.g. professors and doctors). He mentioned that such training taught him how to accommodate witnesses’ social factors (e.g. age, place of origin and education). Another participant felt that the investigation technique he learned through general investigation skills training could be applied in any criminal investigation. This was because the purpose of any investigation was the same (i.e. to fulfil the elements of the offence). With regard to content-specific criminal investigation training, participants had attended training on investigating corruption, trade, illegal fishing and economic crime. Two participants felt that such training improved, or had the potential to improve, their performance in investigating specific crimes.

Participants described the training materials they received in the course of general and content-specific criminal investigation training. With regard to general investigation skills training, they described learning about processes of investigation, technical matters, legal substances, formulating questions, applying articles in the investigation and preparing documents for prosecutorial purposes. With regard to content-specific criminal investigation training, they described learning how to analyse documents, calculate financial loss and investigate specific crimes. Most of the training materials they received were attuned to new innovations in science and technology.

Questionnaire participants were also asked to describe their experience of criminal investigation training. Approximately three times as many participants had received training in content-specific criminal investigation as opposed to general investigation skills (18.02 per cent). Only 2.25 per cent of participants had received training in specific interviewing skills (see Appendix 4.3.5 Figure E1).
These results can be explained with reference to the duties or tasks performed by participants in their roles as police investigators (see Appendix 4.3.1 Figure A2). For example, the high proportion of participants who had received training in content-specific criminal investigation corresponded with participants’ duties in investigating specific crimes (27.9 per cent). No participants had undertaken evidence-based training, such as CI.

The following section presents the findings on investigators’ perceptions of witnesses.

4.2.4 Perceptions of Witnesses

With regard to investigators’ personal views of witnesses, the main finding from both types of instrument (i.e. semi-structured interviews and questionnaire) is that, despite the important role of witness testimony in case disclosure, most witnesses are uncooperative. This finding is informed by participants’ responses to semi-structured interview questions B2 Number of Witnesses Interviewed, B3 Challenges in Interviewing Witnesses and D Impression of Interviewing. It is also supported by participants’ responses to questionnaire items B1 Number of Witnesses Interviewed, B2 Witnesses’ Age, B7 Challenges in Interviewing Witnesses and D Impression of Interviewing. The latter was cross-examined with reference to A4 Length of Service as Investigators. Participants’ responses to B7 Challenges in Interviewing Witnesses were cross-examined with reference to A1 Ranks and A4 Length of Service as Investigators.

Participants expressed their preference for cooperative witnesses but explained that most were uncooperative and that many had physical and social constraints. Analysis of the research interview data reveals that, while investigators were required to interview at least two witnesses per case, often more than two witnesses per case were interviewed. Excerpt 4.7 illustrates this.

Excerpt 4.7 (Int#1)

Setiap kasus lah ya minimal saksi itu lebih dari dua ya lebih dari dua karena syaratnya 184 KUHAP harus dua saksi lebih akhirnya kenyataannya kita meriksa sampai 25 saksi.

Iya untuk satu kasus paling sedikit sepuluh saksi untuk menguatkan keyakinan hukum pidananya bahwa pelaku benar melakukan. Saksi lebih banyak lebih bagus walaupun nilainya satu, walaupun saksi seribu nilainya tetap satu alat bukti.
Every case required a minimum of two witnesses, more than two witnesses. This is as stipulated in article 184 of the Code of Criminal Procedure, but we ended up interviewing 25 witnesses.

Yes, one case needed at least ten witnesses. This is used as a basis to support the verdict that the suspect really did commit the crime. The more witnesses the better, the value is one though; although there are a thousand of witnesses, the value of its legal proof is one.

Participants’ responses to questionnaire item B1 Number of Witnesses Interviewed (see Appendix 4.3.2 Figure B1) show that 40.09 per cent of participants generally interviewed more than 60 witnesses per case and 25.23 per cent of participants generally interviewed fewer than 15 witnesses. The remaining participants reported interviewing 16–30 witnesses (10.36 per cent), 31–45 witnesses (9.46 per cent) and 46–60 witnesses (8.56 per cent) per case. This indicates the important role of witnesses to case disclosure.

To uncover investigators’ personal views on interviewing witnesses, participants were asked to describe how they felt when conducting interviews with witnesses in as much detail as possible. Analysis of the research interview data revealed five main themes. One-third (33.30 per cent) of participants reported feeling close to witnesses. These participants believed they were able to feel what the witness was feeling. A similar proportion of participants expressed the view that being patient was important when interviewing witnesses. Another third were concerned that witnesses often felt apprehensive about the interview processes. A small proportion (16.70 per cent) stated that the task of interviewing witnesses made them feel pleased because it was such a respectable and important job. One participant, who stated that he often lost concentration when interviewing witnesses, worried that his performance as an investigator was substandard (see Appendix 3.4.4).

Six themes emerged from the questionnaire data. One-third (27.93 per cent) of participants stated that they felt nervous, anxious and even panicked when interviewing witnesses; however, few (4.05 per cent) stated that ‘witnesses felt anxious’. Importantly, investigators with less experience expressed feeling nervous because they were not accustomed to interviewing witnesses, were highly stressed, were asked to interview social superiors (i.e. higher authorities), and/or encountered uncooperative witnesses. Just below one-quarter (22.07 per cent) of participants reported ‘feeling good’ when interviewing witnesses, especially when witnesses were cooperative. These investigators explained that, by displaying confidence and being calm, they could create a comfortable
interviewing environment. The third most frequent impression related to ‘investigators’ efforts’ (20.27 per cent). These included understanding the case, preparing for the interview, helping the witness to relieve their stress and reassuring the witness that they were safe. Four times as many investigators expressed the view that witnesses were uncooperative (7.21 per cent) as opposed to cooperative (2.25 per cent). Very few investigators described witnesses as ‘being anxious’ (4.05 per cent); those who did explained that witnesses often felt anxious when pressured by others to withhold information to protect a suspect (Appendix 4.3.4 Figure D).

With regard to length of service, investigators whose length of service exceeded 15 years were generally less nervous than investigators with less experience; they also tended to view witnesses as uncooperative. In terms of ‘investigators’ efforts’, participants with ‘6–10 years’ experience expended the most amount of effort, followed by those with ‘16–20 years’ experience. The least amount of effort was expended by participants with ‘less than 5 years’ experience (see Appendix 4.3.4 Table DA4). This is so because the association between the impression of interviewing and the length of service as investigators is statistically significant at 0.05. This was shown by the p value (0.002) that is less than the alpha level (0.05). The association is moderate (Cramer’s V number was 0.226).

The tendency to view witnesses as uncooperative was also identified in semi-structured interview question B3 Challenges in Interviewing Witnesses. Among the various challenges identified, the most common were ‘uncooperative witnesses’ (66.67 per cent) and ‘language issues’ (50 per cent) (see Appendix 3.4.2). Participants stated that witnesses often felt unwilling to provide information because they had negative perceptions of the police. Some witnesses were uncooperative because of conflicting loyalties, such as trying to protect family members involved in the case. The main challenge regarding language issues was that witnesses were sometimes unable to speak Indonesian and investigators were not always fluent in local languages. Therefore, participants viewed the presence of interpreters as necessary to mediate communication.

Semi-structured interview participants also reported other challenges in interviewing witnesses, such as ‘inconsistent testimony’, ‘cultural issues’, ‘age’, ‘memory loss’ and ‘technical constraints’. One participant commented that witnesses often produced unreliable accounts and that the information provided in the course of preliminary investigations was sometimes different to that provided in the main investigation (possibly because witnesses did not want to appear in court). Another participant
expressed the view that it was important to understand the character and culture of witnesses, as these could affect how witnesses were treated. Some participants found it difficult to interview older witnesses, especially in disputes involving land and premises. Several participants commented that they felt the need to explain everything to facilitate memory recall in witnesses. In this regard, one participant mentioned that he found it especially challenging to retrieve memories of the past when interviewing witnesses in a murder case. Technical and other constraints that occurred in the course of an investigation were also identified as challenges. For instance, participants felt that a lack of planning might result in a disorganised interview, and that a lack of concentration (due to their own personal circumstances) might result in an unsatisfactory result, especially if the witness was uncooperative.

Questionnaire participants were also asked to describe challenges in interviewing witnesses (see Appendix 4.3.2 Figure B7). Interviewing ‘uncooperative witnesses’ received the most emphasis (40.99 per cent). Participants described it as three times more challenging than ‘technical constraints’ (13.06 per cent), while ‘language issues’ was deemed the third most important aspect (10.36 per cent). ‘Inconsistent testimony’, ‘age’, ‘memory loss’, ‘illiteracy’, ‘illnesses’ and ‘intervention’ received less than 10 per cent of responses. Challenges related to ‘disability’, ‘education level’ and ‘public distrust’ received 0.90 per cent of responses. ‘Psychological problems’ and ‘cultural issues’ received the least emphasis (0.45 per cent).

Cross tabulation was conducted to determine the distribution of challenges according to police ranks. A comparison of first rank and non-commissioned officers’ views on challenges in interviewing witnesses showed a tendency that non-commissioned officers faced similar categories of reported challenges in interviewing witnesses to first-rank officers, but the former tended to have higher frequencies (see Appendix 4.3.2 Table B7A1). ‘Uncooperative witnesses’ was the most commonly reported theme across both ranks (21.17 per cent and 18.92 per cent, respectively). However, the second and the third most frequent challenges reported by first rank and non-commissioned officers were different. Non-commissioned officers placed ‘technical constraints’ second and ‘language issues’ third, while first rank officers perceived ‘language issues’ as more challenging than ‘technical constraints’. One of the explanations of this tendency is as a reflection of the moderate association of the challenges in interviewing witnesses and police ranks (Cramer’s V number was 0.337). This is because the statistical significance test showed that the p-value of both variables (i.e. 0.003) is less than the 0.05 alpha level.

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This indicates that there is a significant difference between challenges in interviewing witnesses and police ranks. Another explanation might be due to the types of investigations undertaken by first rank officers.

Participants with ‘less than 5 years’ and ‘6–10 years’ experience as investigators reported facing more challenges than other participants. Almost half of all participants listed ‘uncooperative witnesses’ as their greatest challenge, followed by ‘technical constraints’ and ‘language issues’. For participants with ‘less than 5 years’, ‘6–10 years’ and ‘11–15 years’ experience, ‘culture’ was not regarded as a challenge; however, ‘culture’ was described as a challenge by those with ‘16–20 years’ experience (0.45 per cent). Participants with ‘less than 5 years’ and ‘6–10 years’ experience were concerned about ‘education level’, ‘illnesses’ and ‘memory loss’; importantly, the level of concern was generally lower for those with less experience. Yet, only those with ‘less than 5 years’ experience identified ‘psychological problems’ and ‘public distrust’ as challenges. This unevenness in distribution is confirmed by the result of statistical significance test showing that the p-value of both variables of challenges of interviewing witnesses and the length of service as investigators is more than the alpha level (0.653 > 0.05) (see Appendix 4.3.2 Table B7A4). This indicates that we cannot predict challenges of interviewing witnesses from the length of service as investigators.

Questionnaire participants were asked to indicate their views on witness phenomena. The distribution of these views can be found in Appendix 4.3.3 Table C4. Most participants believed that witnesses ‘often’ engaged in ‘free recall’ and left ‘the interview room feeling good’. Most also believed that witnesses ‘sometimes’ were ‘cooperative’, provided ‘complete information’, remembered ‘as much as the investigators want’, and assisted in recalling details about a ‘person’, ‘action’, ‘object’ and/or ‘surroundings’. In addition, most participants agreed that investigators ‘sometimes’ ‘take notes while listening to witnesses’ accounts’, and that witnesses were ‘sometimes’ ‘willing to be interviewed further’. Participants commented that they ‘seldom’ ‘interrupted witnesses’ accounts’. Overall, it seems that witnesses ‘sometimes’ display these behaviours but most of the time they do not.

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5 Witness phenomena means witnesses’ condition during and post police interview, such as whether they are (un)cooperative, assisted in recalling specific memory and whether they have good impression on the interview. Participants were asked about how often they found these witness phenomena.
The following section discusses police investigators’ perceptions of recording witness interviews.

4.2.5 Recording of Witness Interviews

The findings from the research interview data emphasise that, despite the benefits of recording devices, only written police reports are a legislative requirement. Evidence was taken from participants’ responses to semi-structured interview question E Operational Experiences. Two key themes emerged from the data (see Table 4.3). Most participants believed that recording interviews electronically could guard against both false allegations and interviewees’ inconsistent accounts (83.30 per cent). However, participants also understood that such recordings could not be used as evidence in court; only written reports could be used. One participant reported that he typed the police investigation report while interviewing witnesses. However, other participants stated that they typed the report after the interviews were concluded, having taken notes while conducting the interview. One participant mentioned that he asked witnesses to read the finished report thoroughly before signing it (investigators are allowed to edit their typed reports if witnesses are not happy with them). A summary of participants’ responses is presented in Appendix 3.4.5.

Table 4.3 Interview Data: Operational Experiences

<table>
<thead>
<tr>
<th>Theme</th>
<th>Number of participants</th>
<th>Percentage of participants</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recording interviews electronically</td>
<td>5</td>
<td>83.30%</td>
</tr>
<tr>
<td>Writing police investigation reports</td>
<td>4</td>
<td>66.70%</td>
</tr>
</tbody>
</table>

The evidence shows that, while recording interviews electronically was regarded as a valuable practice, the common institutional practice was to type reports. This might constitute a problem when implementing CI, as the technique involves mandatory recording (Fisher & Geiselman, 1992). Discussion of the gap between the existing interview technique and CI is elaborated in the next section. The researcher chose not to repeat semi-structured interview question E Operational Experience in the questionnaire, as, based on her knowledge of the topic, she deemed the six participants’ responses as representing a complete answer.
4.3 Discussion: General Perceptions of Police Investigators on Interviewing Witnesses

The previous section identified the key findings of sub-question 1 regarding police perceptions of their existing techniques of interviewing witnesses. These techniques were described in Section 4.2, specifically, investigators’ perceptions of witnesses, practices of interviewing, training and recording of interviews. This section discusses and interprets these findings. Using the project’s main research question-‘how well can CI work in the Indonesian policing context’-as a guide, this section argues that the lack of evidence-based techniques of interviewing witnesses in Indonesia provides space for the introduction of CI, but with some constraints. There are some areas of overlap between existing interview practices and CI, making the adaptation of CI to Indonesian police questioning possible; however, the gap between the two practices amounts to a significant hurdle. If CI were to supplant existing police interviewing practices in Indonesia, it would have to be introduced via training. More importantly, the technique itself would have to be adapted for operation in a vastly different linguistic and cultural setting, and further accommodations would have to be made to account for Indonesia’s legal environment.

As shown in Section 4.2.1, the six research interview participants described their techniques of interviewing using six different labels. Similarly, the 222 questionnaire participants used 26 labels to describe their interview techniques. None of the participants in this study referred to CI or any other evidence-based interview technique. This suggests that CI is not in the participants’ purview. This unsurprising result mirrors research about the introduction of evidence-based police interviewing in other countries (e.g. Clément et al., 2012; Fahsing & Rachlew, 2009; Griffiths & Milne, 2006; Heydon, 2012; MacDonald, 2011; MacDonald et al., 2017; Rachlew, 1999).

Two research interview participants mentioned ‘humane’ interviewing techniques (Int#1 and Int#5) that, on the surface, may appear to resemble a humanitarian interviewing style as described by Madsen (2010); however, in practice, the techniques tended to be more domineering than humane. This was illustrated in Section 4.2.2. When interviewing witnesses who were identified as telling lies, three out of six participants (50 per cent) stated that they called attention to the fabrication. One participant stated that he used a ‘humane’ approach, which meant that he told witnesses not to be emotional. He also informed witnesses that they were legally obliged to provide information about what they saw, heard and experienced. Although not commonly practised, three out of six
participants (50 per cent) encouraged witnesses to recall events; however, if witnesses did not tell the truth, one participant stated that he presented them with evidence to the contrary. Confronting witnesses with evidence can be seen as a coercive interview strategy (Gaines, 2018; Goodman-Delahunt, Martschuk & Dhani, 2014); however, it would not be coercive if the investigator presented the evidence in an ethical way (see Bull 2014).

Despite not mentioning CI, participants referred to similar practices that align with ethical interviewing. For example, data from both the semi-structured interviews and the questionnaire (see Section 4.2.1) showed that investigators made preparations prior to interviewing (100 per cent and 18.9 per cent, respectively), made efforts to build rapport (50 per cent and 27.5 per cent, respectively), and made attempts to engage and explain (83.3 per cent and 13.96 per cent, respectively). These findings suggest that, to a certain extent, there is some overlap between existing techniques of interviewing and CI, which is useful when considering the implementation of CI in an Indonesian policing context. These findings also suggest that investigators have some metacognitive awareness of best practices of interviewing.

Further areas of overlap between existing interview techniques and CI can be identified in the features of good witness interviews listed by participants (see Section 4.2.2), such as ‘no pressure’, ‘making preparations’, ‘showing empathy’ and ‘building rapport’. These practices resonate strongly with CI. The findings suggest that participants were conscious of having a particular intuitive ethical perspective on interviewing. However, since such practices were not aligned with an evidence-based interviewing technique (cf. Fisher & Geiselman, 1992; Shepherd & Griffiths, 2013), it is also possible that such practices have emerged by chance, rather than through an intention to behave ethically.

As mentioned, 26 interview techniques were identified in the questionnaire data. Among these, the number of ‘positive’ interview techniques (e.g. preparation, building rapport, asking open questions, asking intelligible questions and providing empathy) outweighed the number of ‘negative’ interview techniques (e.g. using pressure and using question traps). This finding is contrary to what Compo, Gregory and Fisher (2012) found in their study, which examined whether US police investigators observed nationally published guidelines based on CI when interviewing witnesses of crime. Compo et al. (2012) discovered that investigators rarely used the recommended ‘positive’ interviewing techniques (e.g. rapport building or context reinstatement) and, instead, used relatively
negative techniques (e.g. interrupting the witness or using complex questions). As Compo et al. (2012) was a study based on observations of actual police practice and not self-reporting, it might be that the differences in results between their study and the present research are due at least in part to the subjective bias of the Indonesian officers, who were asked to describe their practices. The non-compliance of the US police investigators was found to be a result of investigators focusing more on their own cognitive processing, on the witnesses’ responses and on producing complete police report and paying less attention to their questioning practices. Notwithstanding the differences in data collection tools, the high occurrence of ‘positive’ interviewing practices in the present research suggests that participants adhered to the social and communication strategies of CI, but not the cognitive aspects, which provides useful insight into the level of CI training already gained (Scott, Tudor-Owen, Pedretti & Bull, 2015). Interestingly, the findings from the questionnaire data show that 3.15 per cent of participants described their interview technique as ‘facilitating recall’. This indicates that, if the CI technique was implemented in Indonesia, it could build upon the practice of ‘facilitating recall’ already reportedly in use.

The likelihood that some ethical perspectives on interviewing witnesses had been misinterpreted by participants is evident in the findings about investigators’ perceptions of techniques and practices of interviewing. Sections 4.2.2, 4.2.3 and 4.2.5 showed that participants viewed police interviews as a way of gathering information to prove the elements of the offence, at the same time as confirming assumed facts; that investigators were regarded as powerful authority figures; and that police interviews were viewed as an activity of transferring witnesses’ information into legal police reports.

As described in Section 4.2.2, investigators’ perceptions on interviewing suggest that interviewing was seen as a way of gathering information to prove the elements of the offence. Nearly all research interview participants (five out of six) stated that the objective of police interviews was to collect information to fulfil the elements of the offence. Indeed, most participants believed it was necessary to have the elements of the offence at the forefront of their mind to lead police interviews successfully. In this way, it can be inferred that most participants understood interviewing as ‘an exercise of confirmation [rather] than investigation’ (Shepherd & Griffiths, 2013, p. 13). Confirmation always looks for short answers while investigation explores narratives. From the perspective of the investigator, this is reasonable as short answers mean that information can be transferred from the witnesses to the police report in a straightforward manner, reducing
the risk of error (this is explored further below). However, from the perspective of CI, such information is neither accurate nor reliable.

Most investigators enter an interview room with their own event script in mind, giving rise to confirmation bias (Milne & Bull, 1999). In this situation, vital information can be ignored or overlooked. From the perspective of CI, this practice is undesirable and considered inappropriate interview behaviour. However, some officers might not be conscious of the impact of this practice on the quality of information obtained from witnesses or that it might lead to wrongful convictions (Gudjonsson, 2007; Gudjonsson & Pearse, 2011; Milne & Bull, 1999). Milne and Bull (1999, p. 59) emphasised that ‘not attending, assuming the answer before it is given, and focusing on some information while ignoring other “inconsistent” (i.e. inconsistent with the predetermined hypothesis) information can produce a resistant interviewee’. This might explain why participants in this study described witnesses as ‘uncooperative’. The performance of investigators using this interview style might be one of the factors contributing to public distrust of the police, resulting in a lack of willingness to cooperate with investigators (see also Monjardin, 2015). Although undesirable, this practice is not surprising, as most investigators have been trained to direct inquiries towards the issue that is most relevant to the crime (see Section 4.2.3).

Research conducted in Norway (e.g. Rachlew, 1999) and Mexico (e.g. Monjardin, 2015) makes it clear that a lack of clarity in police questioning of witnesses is not limited to Indonesia. Rachlew (1990) found that police investigators in Norway developed their interviewing practices through personal experience or by imitating senior colleagues. The lack of clarity in police questioning of witnesses in Indonesia underscores the need to introduce an empirically based technique of interviewing, such as CI, as has since taken place in Norway. The application of CI is especially relevant in Indonesia, as witnesses often feel apprehensive that investigators will change their status from witness to suspect.

Probing questions (i.e. 6WH + 1H) were identified by most participants as their preferred mode of questioning, as these best supported the fulfilment of the elements of the offence (see Section 4.2.2). This finding mirrors research by MacDonald (2011), MacDonald et al. (2017), Memon et al. (1994), and Westera, Kebbell and Milne (2011), which showed that probing questions were the most frequent question type used by untrained and trained investigators. MacDonald (2011) and MacDonald et al. (2017) found the investigators’ performance improved after training in the use of open questions. However, the majority
of trained investigators still preferred probing questions. Similarly, Memon et al. (1994) and Westera et al. (2011) showed that, even when investigators received training in CI, they found it difficult to avoid using probing questions. In light of this, MacDonald et al. (2017) classified the act of asking questions as a complex skill due to its dynamic nature, whereas engaging and explaining were classed as simple skills, as they could be achieved with the use of scripts or checklists.

There is general agreement in the literature regarding the association between types of questions, responses and memory retrieval. For instance, as questions becomes more specific, responses become less accurate and memory is likely to be affected (Milne, Roberts, Westera & Kebbell, 2011). Open-ended questions are considered the best type of questions because they encourage longer, more detailed responses and are less likely to influence memory (Milne & Bull, 1999). Undoubtedly, an expert interviewer can be defined by his/her ability in the use of open-ended questions (Oxburgh et al., 2010). However, as seen in the findings of this study, despite the known benefits of open questions, there is no guarantee that police investigators will use them. Rather, probing questions tend to be used (Milne et al., 2011), as information gained using such questions easily fulfils the elements of an offence. The use of probing questions during an interview generally leads to other probing or inappropriate questions being used. Note that just because probing questions were the most common does not mean that they are used to introduce topics. According to Shepherd and Griffiths (2013, p. 517), the most useful and effective question funnels occur when ‘topics are introduced with an open question, probed with more focused questions, and then closed with a “yes”/“no” question’. In this study, topics might be introduced with one open question but a series of probing questions are used to follow it up and they will still outnumber the open questions over all. This type of question model reinforces the point that Indonesian police interviewing practices are not evidence-based. The use of inappropriate question models demonstrates the need for improvement in interviewing practices in Indonesian policing.

It is interesting to note from the general pattern of findings that, as the investigators became more experienced, they faced challenges less frequently, felt less nervous and made less effort in interviewing witnesses (see Sections 4.2.2 and 4.2.4). Reflecting on this, it is likely that, if junior officers received training in CI, their questioning behaviours might change without too much difficulty, even though they find interviewing more challenging than senior officers. This is consistent with research that suggests that training police recruits is easier than training senior officers as they do not have to unlearn
inappropriate behaviours and skills (Dando et al., 2008). This finding is meaningful; it suggests that, if the less-experienced investigators in this study received training in CI, it would be likely to improve real world investigation practices that are currently proving challenging to them. However, the possibility of junior investigators feeling overwhelmed with the complexity of CI should be noted, as research has shown that newly trained officers often practise the social and communication techniques of CI but forgot the cognitive parts (Dando et al., 2008). Senior officers also need to be trained in CI, but the approach should be different. The areas of overlap between existing practices and CI need to be emphasised to enhance senior officers’ understanding of CI. Doing this will enable senior officers to support junior officers when implementing CI (Heydon, 2012). This finding offers a base for the selection of participants in future CI training and makes a case for designing training with a tiered approach (see Griffiths & Milne, 2006).

The discussion above that linked the goal of police interviews with the use of probing questions resulting in the mistranslation of ethical perspectives, suggests that, to achieve a result in police interviews, investigators tend to assume either the role of leader and are solely in control (Fisher & Geiselman, 1992), or manager, directing the course of the interview and influencing its content (Shepherd & Griffiths, 2013). Fisher and Geiselman (1992) highlighted the professionalism of investigators who possess deep knowledge and experience of crime and can assess which aspects are relevant or need more in-depth investigation; hence, being a leader or a manager in police interviews is part of their task of investigating crime. However, Fisher and Geiselman (1992) also suggested that the gap in knowledge between officers and witnesses should not be emphasised, as witnesses possess information relevant to the crime event under investigation. This realisation should encourage a joint action in communication between officers and witnesses (Clark, 1996) in which officers should transfer control to witnesses, allowing them to do most of the talking and direct the flow of information. Under such conditions, witnesses generally do not wait for officers to ask questions; instead, they volunteer information. However, it is worth noting that such practices are not common in Indonesia and might not be desired there. For instance, while investigators in this study mentioned attending to witnesses’ needs during the course of an investigation, this was limited to the need to eat, drink or pray; it did not include encouraging witnesses to be more active in communication.

As described in Section 4.2.5, police interviews are regarded as an activity of transferring witnesses’ information into legal police reports. This is evidenced by interview data showing participants’ efforts to produce legal police reports from interviews. With the
exception of one research interview participant (Int#1) who described his practice of typing reports during police interviews, it seems that most investigators made notes while interviewing. This is confirmed by Int#3 who stated that he took notes while talking to witnesses. As witness interviews were mostly not recorded, it was inadvisable for investigators to delay the process of typing the police report (hence, Int#1’s practice of typing the report while interviewing witnesses). Int#6 mentioned that he wrote the report after the interview was concluded. Int#3 and Int#5 emphasised that witnesses were given an opportunity to read the typed report before signing it, and that witnesses were required to sign the report to show that they were satisfied with its content. Shepherd and Griffiths (2013, p. 13) described such interviewing ‘as a low status activity: compressing what the individual said into a written statement, drafted by the officers for signature by the individual’ (cf. Muniroh & Aziz, 2016). The Indonesian criminal justice system is dependent on this type of written report (Muniroh & Aziz, 2016). This system, which is different to that of countries in which CI has been adopted, such as Australia (e.g. Heydon, 2005; Milne et al., 2011) and the UK (e.g. Shepherd & Griffiths, 2013), might not support the implementation of CI. Nearly all of the research interview participants mentioned the benefits of using electronic recordings in investigations. CI has been proven to perform well when electronic recording is used, as investigators can concentrate better on witnesses’ responses and develop more in-depth interviews (Fisher & Geiselman, 1992, p. 82). However, in Indonesia, there is no legal framework for the use of such recordings as evidence in court. Given this limitation, the viability of CI in Indonesia should be further investigated to ensure that it fits with the prosecutorial and adjudication purposes of the Indonesian criminal justice system (see Chapter 6).

Finally, the study found that participants were conscious of the multilingual nature of Indonesia. This is evidenced in Sections 4.2.2 and 4.2.4. Int#2 mentioned the importance of using intelligible language and, preferably, the witnesses’ local language. A substantial proportion of questionnaire participants also raised issues of language (12 per cent). Therefore, if CI is implemented in Indonesia, it will need to be delivered in an appropriate language. As the sociolinguistic situation of the Indonesian justice system operates monolingually in Indonesian (i.e. the language used in trials and the language of police business and operation (Sneddon, 2003a)), having Indonesian version of CI is sufficient. In addition, Indonesian is widely spoken so police investigators will not have difficulty in communicating CI to witnesses in Indonesian. However, problems might arise when witnesses’ proficiency in Indonesian is low, such as those witnesses in regional areas who
may only be able to speak local languages. In this regard, police investigators’ consciousness of the multilingual nature of Indonesia suggests that they have a sense when CI needs to be communicated in an intelligible language to witnesses (e.g. bilingual investigators could achieve this by speaking in the witnesses’ local language), otherwise an interpreter would need to be present. If this is the case, CI would need to be translated to local languages or interpreters would need to be trained in CI to facilitate successfully mediated police interviews. However, both are beyond the scope of this study.

Interestingly, as an aspect of language and culture, the use of politeness was identified by questionnaire participants as an important quality of good interviews (15.1 per cent). The primary purpose of being polite when interviewing witnesses is to make them feel good about speaking and to encourage them to speak without hesitation or fear. Being polite helps witnesses to preserve their dignity during interviews. Considering the social norms of Indonesia with regard to respecting older people, Indonesian CI will be expected to attend to this as a variable of politeness (Aziz, 2003b). This can be operationalised by choosing appropriate addressee terms for witnesses when using CI in the Indonesian language.

Related to the variable of age, the questionnaire findings revealed that most of the witnesses interviewed by participants were aged between 26 and 45 (i.e. adult). The largest sample of investigators in the study were non-commissioned officers whose length of service was less than 15 years. Given this and the average age range of witnesses, which Indonesian addressee reference is appropriate to address witnesses? In English CI, it is sufficient to address witnesses as ‘you’, but this is not appropriate in Indonesian, especially if the investigator is the same age or younger than the witness.

Previous studies investigating police officers’ perceptions of CI found that it was most useful when used with adult witnesses (Wheatcroft et al., 2014; Wright & Holliday, 2007a). As most of the witnesses relevant to this project were adult, this finding supports the argument that applying CI in an adult Indonesian policing context could be beneficial to the interviewing process. Further, it is likely that investigators would be willing to use CI because they would find it to be useful. Together, the findings related to language, culture and politeness suggest that, if CI is to be used in Indonesia, further investigation should be directed towards exploring the linguistic appropriateness of CI instructions in Indonesian (see Chapter 5). The possibility of training interpreters, as well as
investigators, in CI, should also be explored, although this is beyond the scope of this thesis.

4.4 Conclusion

This chapter discussed Stage 1 to answer sub-question 1: ‘what are police investigators’ perceptions of their existing practices of interviewing witnesses?’ Its central contribution is to show that Indonesian police investigators do not apply evidence-based techniques of interviewing (though some use somewhat similar techniques to ethical interviewing), but instead rely on standard police interviewing methods. Considering this empirical fact, and the possible mistranslation of witness perspectives that might occur as a result, the results suggest that it is both necessary and important to implement CI in the Indonesian policing context. Participants’ perceptions of existing techniques and practices of interviewing confirm that the current aim of police interviews is not to gather quality (accurate and reliable) information, but to complete standard police interview tasks and the business of legislation.

This chapter has shown that junior investigators are potential trainees for the implementation of CI in real world investigations because they are more lenient with regard to standard procedures, and that senior investigators can be trained to provide support to junior officers in using CI. This makes a case for developing a tiered approach to CI training and justifies the existing police assistance programs initiated by the Norwegian Centre for Human Rights in the form of investigative interview training. Training in complex skills such as using open questions should be prioritised. Additionally, cognitive strategies linked to CI should be covered in depth, for example, rapport building and transfer of control. Despite some areas of apparent overlap between investigators’ intuitive strategies of interviewing and CI, there are aspects of CI that require further investigation (i.e. language and legal issues). Therefore, the following chapters examine the linguistic and legal viability of CI. Chapter 5 discusses Stage 2 to answer sub-question 2 about the most appropriate language for CI in Indonesia.
Chapter 5: Appropriate Language for CI in the Indonesian Policing Context (Stage 2)

5.1 Introduction

As demonstrated in Chapter 4, Stage 1 showed that Indonesian police investigators could benefit from the Cognitive Interviewing (CI) technique, thereby justifying the present study. One of the key findings of Stage 1 concerned the issue of language use and lack of clarity regarding the most appropriate version of Indonesian for CI. The literature emphasises that CI strategies must be operated using specific wordings to access memory. Therefore, Stage 2 carefully analyses the most appropriate version of Indonesian for CI. Linguistic theories of communication—more specifically, concepts of formality, politeness and power (see Chapter 2)—were used to closely examine which addressee reference choices, vocabulary and levels of formality were appropriate for CI in Indonesia, a country with a non–Indo European language and substantially different sociocultural norms. This chapter argues that, to be effective in an Indonesian policing context, Indonesian CI instructions need to have three main qualities: respectfulness, professionalism and warmth. These qualities represent the level of formality required for middle-range Indonesian police institutional interactions (as opposed to a higher level of formality). This level of formality addresses the value of social harmony and the institutional expectations in police interviewing. This chapter also argues that, rather than direct translation, adaptation based on consensus by a panel of experts produces the best version of CI (cf. Sumathipala & Murray, 2000). It is inevitable that introducing CI in the Indonesian policing context will require training; it is also expected that CI will require modification to function in the Indonesian policing context. Such training should include materials on memory formation and explicit teaching of contextual memory retrieval instructions to raise investigators’ language awareness.

To answer sub-question 2 (see Chapter 3), a four-round Delphi was used to generate consensus among 23 experts (linguists, translators/interpreters and police investigators) on the most appropriate language for CI instructions in Indonesia. The questionnaires consisted of three parts and each part was designed to investigate different aspects of CI instructions: Part A examined the level of formality, Part B looked at effectiveness and Part C explored typically used wordings. The research design considered the lack of a verified standard set of CI instructions in English and recognised the need for evidence-
based translations of CI into Indonesian. The Indonesian instructions used in the study were adapted or translated from various published alternative versions of six CI mnemonics: building rapport, focused retrieval, report everything, context reinstatement, change order and change perspectives. In the Delphi rounds, participants were asked to signal their preference using a five-point Likert scale and to provide comments on their choices. As this study uses a mixed-method paradigm with a qualitative dominant approach, a Likert scale cannot deliver direct results; instead, more details are necessary. Close examination of the data from a qualitative perspective is needed to enhance the findings and explain why differences occur.

The two types of data are organised in two main themes: linguistic features of CI and policing implications for using CI. To reduce repetition in the presentation of the findings (arising from the iterative processes of the Delphi), samples of analysis are provided in the chapter, while the details about statistics and categories of participants’ comments per CI strategies are provided in Appendix 5. Section 5.2 presents the findings from both themes—Section 5.2.1 offers a description of findings on the linguistic features of CI and Section 5.2.2 details findings on the policing implications of CI. In Section 5.3, the findings from both sections are brought together and discussed. Concluding remarks are offered in Section 5.4.

To assist non-Indonesian speaking readers to understand the Indonesian CI instructions under investigation, back translations\(^1\) are supplied. This is not intended as a means of controlling the quality of the translation of CI instructions from English into Indonesian as presented in the Stage 2 Delphi questionnaires, but as a guideline for readers to understand the results of the Delphi (e.g. Brislin, 1970; Douglas & Craig, 2007; Ozolins, 2009).

### 5.2 Findings

This section presents the findings of four rounds of Delphi questionnaires. As explained in the previous section, the questionnaires consisted of three parts and each part was designed to investigate different aspects of CI instructions. Round 1 included 48 items

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\(^1\) Indonesian CI instructions in Stage 2 Delphi questionnaires were translated from English CI instructions. The results of Stage 2 Delphi provided the best version of Indonesian CI instructions. The process of translating these Indonesian CI instructions into English is referred to as ‘back translation’.
across eight CI strategies (i.e. building rapport, focused retrieval, report everything, context reinstatement, change order and change perspectives). The number of items in subsequent rounds was reduced because items that achieved consensus were not included. The Indonesian CI instructions presented in Rounds 2–4 were developed through a complex process of amendment based on the results of previous rounds and using participants’ comments as a guide. The findings have been organised into two themes: 1) linguistic features of CI and 2) policing implications for using CI. Each theme is supported by evidence from the researcher’s analysis of the statistical results and participants’ comments, which were provided in response to prompts relating to formality, effectiveness and common wordings of CI.

5.2.1 Linguistic Features of CI

Analysis of the Stage 2 Delphi questionnaires revealed two linguistic features of CI that are important to the interviewing process: formality and normalspeak (as opposed to policespeak) (Coulthard & Johnson, 2007, pp. 76-77; Fox, 1993; Gibbons, 2003, pp. 85-87). Participants were asked to assess the appropriateness of 48 CI instructions in Round 1, 18 in Round 2, and two in Rounds 3 and 4. The evidence for formality was taken from the statistical data of Part A (see Appendix 5.4) and categories of participants’ comments (see Appendix 5.3.4 for detailed categories and Appendix 5.6 for the results), namely types of ‘you’, change of words, stylistic variation, social class, broad social concerns, questioning practices and act effects. Evidence for normalspeak was sourced from the statistical data of Parts B and C (see Appendices 5.8 and 5.12 respectively) and categories of participants’ comments from Part B, namely complexity, broad social concerns, questioning practices and act effects (see Appendix 5.10).

5.2.1.1 Formality

Formality encapsulates participants’ perceptions of appropriate styles for CI instructions in Indonesian covering person reference, choice of vocabulary and discourse particles. As indicated earlier, there were 16 CI instructions in Part A and these were created from eight CI strategies, each of which were assigned two styles—one less formal and one more formal—as described in Chapter 3 (see Section 3.4.3.2). The distribution of styles to strategies was not mutually exclusive because of the nature of the instrument. Participants were asked to assess the appropriateness of the instructional wordings in Indonesian. Overall, most participants tended to choose the more formal style for each CI strategy. This pattern suggested that the chosen style did not relate to any particular CI strategy but
rather to CI as a whole. However, uncertainties remained regarding the level of formality most appropriate in the Indonesian police setting, as discussed below.

5.2.1.1 Person Reference

This section presents findings from the Likert results and analysis of participants’ comments from Part A, Round 1 to Part A, Round 4 that demonstrate the tendency to use person reference with a high degree of formality. As illustrated in Table 5.1, person reference appears across the style continuum ranging from least formal (style 1) to most formal (style 5). In Round 1, participants were presented with two choices of styles per CI strategy. For example, in the building rapport strategy, participants were provided with two styles of CI for Indonesian namely kamu-in (style 1) and kamu (style 2). The result of the Likert scale data analysis showed that kamu (style 2) was regarded as more appropriate than kamu-in (style 1). To be precise, more participants chose kamu (style 2) (52.17 per cent) than kamu-in (style 1) (39.13 per cent), which corresponds with its higher median (5) and mode (4). Across all eight CI strategies, the Likert results showed that participants always chose a more formal style from two styles presented. The distribution of styles across the CI strategies and the results of Round 1 are shown in Table 5.1. The detailed Likert results for each CI strategy are presented in Appendix 5.4.
## Table 5.1 Distribution of Styles across 16 Indonesian Cognitive Interview Instructions in Part A, Round 1 and the Results of Round 1

<table>
<thead>
<tr>
<th>No</th>
<th>CI Strategies</th>
<th>QNR*</th>
<th>Distribution of Styles</th>
<th>Results Round 1</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Style 1</td>
<td>Style 2</td>
</tr>
<tr>
<td>1</td>
<td>Building rapport</td>
<td>Markers</td>
<td>Kamu-in</td>
<td>Kamu</td>
</tr>
<tr>
<td>2</td>
<td>Focused retrieval</td>
<td>Markers</td>
<td>Kamu-in</td>
<td>Anda</td>
</tr>
<tr>
<td>3</td>
<td>Report everything (general)</td>
<td>Markers</td>
<td></td>
<td>Bapak/ Ibu</td>
</tr>
<tr>
<td>4</td>
<td>Report everything (specific)</td>
<td>Markers</td>
<td>Kamu-in</td>
<td>Kamu</td>
</tr>
<tr>
<td>5</td>
<td>Context reinstatement (general)</td>
<td>Markers</td>
<td>Kamu</td>
<td>Bapak/ Ibu</td>
</tr>
<tr>
<td>6</td>
<td>Context reinstatement (specific)</td>
<td>Markers</td>
<td></td>
<td>Saudara</td>
</tr>
<tr>
<td>7</td>
<td>Change order</td>
<td>Markers</td>
<td></td>
<td>Bapak/ Ibu</td>
</tr>
<tr>
<td>8</td>
<td>Change perspectives</td>
<td>Markers</td>
<td>Kamu-in</td>
<td>Anda</td>
</tr>
</tbody>
</table>

* QNR = Questionnaire

Regarding the building rapport strategy, the Likert results for Round 1 showed that *kamu* (style 2) was considered more appropriate than *kamu-in* (style 1) (see Appendix 5.4.1). However, participants’ comments revealed that they had some concerns about *kamu* (style 2) (see Appendix 5.6.1.1). Their comments regarding ‘types of you’ showed that they associated *kamu* with inappropriateness; for example, ‘avoid using *kamu* “you” to respect witnesses’ (A1#23) and ‘*kamu* “you” is unusual’ (A1#10). Instead, participants suggested
changing *kamu* ‘you’ to another more formal type of ‘you’ (A1#12), for example, *anda* ‘distant you’ or another more formal person reference. With regard to adult witnesses and social class, participants expressed ‘feeling discomfort to hear adults (unknown) called as *kamu* “you”’ (A1#01), and suggested that ‘the instruction is more appropriate for young adults’ (A1#06). Rather than contradictory, the Likert results and comments are seen as supporting and building on each other. The remaining CI strategies showed a similar pattern, as detailed below.

In the focused retrieval strategy, the Likert results showed that *anda* (style 5) was preferred more than *kamu-in* (style 1) (see Appendix 5.4.2). However, one participant described *anda* ‘distant you’ as not appropriate (A1#01). In the context reinstatement (specific) instruction, the Likert results showed that *anda* (style 5) was regarded as more appropriate than *saudara* (style 4). However, participants’ comments on ‘types of you’ revealed that *anda* ‘distant you’ was regarded as creating distance (A1#05), being too formal (A1#06) and less used than *saudara* ‘metaphorical brother/sister’ (A1#10) (see Appendix 5.6.1.2).

In contrast, in relation to the report everything (general) strategy, the use of *saudara* ‘metaphorical brother/sister’ (style 4) was described by participants as inappropriate (A1#01) (see Appendix 5.6.1.3). This was in keeping with participants’ comments on *saudara* (style 4) in relation to the change order strategy in which *saudara* (style 4) was viewed as more appropriate than *Bapak/Ibu* (style 3) (see Appendix 5.6.1.7). Under the category ‘types of you’, one participant wrote that *saudara* ‘metaphorical brother/sister’ was inappropriate (A1#01). Some participants felt that particular person references were appropriate for specific groups of people in society; for example, *saudara* “metaphorical brother/sister” is appropriate for witnesses who are in the same age as the officer’ (A1#06), whereas ‘*Bapak/Ibu* “Sir/Madam” is appropriate for older witnesses’ (A1#06). Participants were asked to offer suggestions based on their own experience and one participant suggested *anda* ‘distant you’ instead of *saudara* ‘metaphorical brother/sister’.

Participants’ comments on *Bapak/Ibu* ‘Sir/Madam’ can also be found in relation to the context reinstatement (general) strategy in which *Bapak/Ibu* (style 3) was considered more appropriate than *kamu* (style 2) (see Appendix 5.6.1.5). In relation to ‘types of you’, one participant commented that *Bapak/Ibu* ‘Sir/Madam’ was more appropriate than *kamu* ‘you’ (A1#06); however, another participant stated that *Bapak/Ibu* ‘Sir/Madam was unusual (A1#10).
The Likert results from Delphi Round 1 were conclusive in that they showed a definite preference for formal person references; informal person references were considered inappropriate in the context of Indonesian police interviews. However, participants’ comments showed considerable disagreement regarding which formal person references should be used. This issue was taken up in Round 2 and is also discussed in Section 5.3.

Round 1 reduced the number of Part A items from 16 to eight. Amended in light of participants’ comments, these items continued to Round 2 and were re-examined by participants (see Appendix 5.5 for a detailed list of the amendment of all CI instructional wordings). Round 2 aimed to find consensus on which version of CI instructions were the most appropriate in Indonesian (the consensus rate was set at 60% or over). The Likert results of Round 2 showed that, with the exception of the change perspectives strategy (its percentage of agreement was lower than 60%), all CI strategies achieved consensus (see Table 5.2). The result confirmed participants’ tendency to prefer formality. The lack of agreement over the change perspectives strategy was not related to the use of person reference or style in general but the strategy itself, which was considered to have implications for policing (see Section 5.2.2).
### Table 5.2 Distribution of Styles across Six Indonesian Cognitive Interview Strategies in Part A, Round 2 and the Results of Round 2

<table>
<thead>
<tr>
<th>No.</th>
<th>CI Wordings</th>
<th>QNR*</th>
<th>Distribution of Styles</th>
<th>Results Round 2</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Style 1</td>
<td>Style 2</td>
</tr>
<tr>
<td>1</td>
<td>Building rapport</td>
<td>Markers</td>
<td>Kamu</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Item No.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Focused retrieval</td>
<td>Markers</td>
<td>Anda</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Item No.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Report everything (general)</td>
<td>Markers</td>
<td>Saudara</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Item No.</td>
<td></td>
<td></td>
<td>#2</td>
</tr>
<tr>
<td>4</td>
<td>Report everything (specific)</td>
<td>Markers</td>
<td>Kamu</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Item No.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Context reinstatement (general)</td>
<td>Markers</td>
<td>Bapak/Ibu</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Item No.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Context reinstatement (specific)</td>
<td>Markers</td>
<td>Anda</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Item No.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Change order</td>
<td>Markers</td>
<td>Saudara</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Item No.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Change perspectives</td>
<td>Markers</td>
<td>Anda</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Item No.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>2</td>
<td>1</td>
</tr>
</tbody>
</table>

* QNR = Questionnaire

The majority of participants agreed that the styles used in Round 2 were appropriate for all CI strategies, apart from the change perspectives strategy, which continued to Round 3. However, their comments showed they still found issues with some of the selected person reference. As discussed below, participants commented on the use of *kamu* ‘you’ in the building rapport instruction (see Appendix 5.6.2.1), *saudara* ‘metaphorical brother/sister’ in the report everything (general) (see Appendix 5.6.2.3) and context reinstatement (specific) instructions (see Appendix 5.6.2.6), and *anda* ‘distant you’ in the focused retrieval (see Appendix 5.6.2.2) and context reinstatement (specific) instructions (see Appendix 5.6.2.6).

In relation to the building rapport instruction, the Likert result showed that *kamu* (style 2) was considered appropriate (see Appendix 5.4.1). However, a comment under ‘types of you’ showed that *kamu* ‘you’ was viewed as unusual (A2#14) (see Appendix 5.6.2.1).
The Likert result showed that *anda* (style 5) was considered appropriate for the focused retrieval instruction (see Appendix 5.4.2), yet a comment under ‘types of you’ showed that *anda* ‘distant you’ was considered unusual (A2#14) (see Appendix 5.6.2.2). For the report everything (general) strategy, most participants agreed that *saudara* (style 3) was appropriate (see Appendix 5.4.3). However, one participant commented that *saudara* ‘metaphorical brother/sister’ was more appropriate for suspects (A2#12) and that it created distance (A2#05) (see Appendix 5.6.2.3). Regarding the context reinstatement (specific) strategy, which used *anda* (style 5), two participants commented that *anda* ‘distant you’ was unusual (A1#10, A1#14) and one participant suggested that ‘*saudara* was more common than *anda*’ (A2#10) (see Appendix 5.6.2.6).

In Round 3, participants were asked to assess the change perspectives instruction, which used *anda* (style 5). The instruction was amended on the basis of participants’ comments in Round 2 (details of the amendment can be found in Appendix 5.5). The Likert result showed that most participants agreed that *anda* (style 5) was appropriate (see Appendix 5.4.8) and no comments related to person reference *anda* ‘distant you’ were identified (see Appendix 5.6.3.1). Similarly, in Round 4, participants no longer commented on the use of *anda* ‘distant you’ (see Appendix 5.6.4.1).

### 5.2.1.2 Choice of Vocabulary

This section presents findings from participants’ comments from Part A, Round 1 to Part A, Round 4. It analyses participants’ tendency to choose formal vocabularies (i.e. standard Indonesian) to make CI instructions effective in an Indonesian policing context. As with styles, several choices of vocabulary were presented\(^2\), and participants commented on stylistic variation, change of words and social class. In Round 1 in relation to the building rapport strategy, participants considered *kamu* (style 2) more appropriate than *kamu-in* (style 1); however, comments regarding stylistic variation showed that the register was inappropriate (A1#10, A2#10) and that the language needed to be more formal (A1#01). Formality was advised because participants felt that police interviewers were better at using standard Indonesian than colloquial Indonesian. For example: ‘replace *kalo ngebayangin* “if imagine” [colloquial] with *kalau membayangkan* “if imagine” [standard]’ (A1#06); ‘replace *punya kendali* “have control” [colloquial] with

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\(^2\) Each style contains co-occurrences of person reference with either colloquial or standard Indonesian.
memegang kendali “have control” [standard]’ (A1#05); ‘add suffix ber– [standard] to the word istirahat “rest” [colloquial]’ (A2#06) (see Appendix 5.6.1.1).

The preference for formality was also identified in other comments. Regarding the focused retrieval instruction, which used kamu-in (style 1), one participant suggested replacing ‘the word rinci “in detail” [colloquial] with terperinci “in detail” [standard]’ (A1#11) (see Appendix 5.6.1.2). A comment in relation to the context reinstatement (general) instruction revealed that ‘in witness interviewing, a formal language is used to respect witnesses’ (A1#23) (see Appendix 5.6.1.5).

In Round 2, several wordings from Round 1 were replaced in response to participants’ comments (see Appendix 5.5 for the amendment of CI instructions). Participants’ comments in relation to vocabulary in Rounds 2–4 were not directly related to formality; rather, they expressed participants’ overall impressions on matters such as ease of meaning and comprehension.

5.2.1.1.3 Discourse Particles

This section presents the main findings from participants’ comments from Part A, Round 1 to Round 4. It analyses participants’ positive perception of the use of discourse particles in CI instructions. Discourse particles identified in Stage 2 Delphi were nah ‘at last’ and ya ‘ok’. In the building rapport instruction in Round 1, one participant commented that nah ‘at last’ created a friendly situation (A1#13) (see Appendix 5.6.1.1). In Round 2, the building rapport instruction after amendment included the discourse particle ya ‘yes’. This version of the building rapport instruction was described as creating a relaxed feeling (A2#12) and as being friendlier than the previous version (A2#13) (see Appendix 5.6.2.1). This result is in line with the focused retrieval instruction in Round 2, in which the discourse particle ya ‘ok’ was added (see Appendix 5.5.2 on focused retrieval). Comments under ‘broad social concerns’ showed that this version of the focused retrieval strategy was considered better worded (A2#15), clear (A2#20) and able to facilitate recall (A2#18) (see Appendix 5.6.2.2).

5.2.1.2 Normalspeak

The second linguistic feature of CI that is important to the interviewing process is normalspeak. Encapsulating participants’ preference for shorter instructions and non-technical words, normalspeak was evidenced in the results of Stage 2 Delphi, Parts B and
C. Part B comprised 18 CI instructions developed from six CI strategies: focused retrieval, report everything, context reinstatement (general and specific), change order and change perspectives. Each CI strategy was assigned three word length variations and participants were asked to assess their effectiveness using a Likert scale. To set the scene, participants were asked to imagine that they were witnesses to a crime. Analysis of the results of Part B revealed that participants tended to choose mid-length and short-length instructions. Part C comprised 14 instructions derived from five CI strategies (see Appendix 5.11.1 for the distribution of the instructions). Participants were presented with five translation options and were asked to assess their appropriateness. In general, participants tended to choose non-technical words, as described below.

5.2.1.2.1 Shorter Instructions

Analysis of the Stage 2 Delphi, Part B Likert data revealed that participants tended to choose mid-length instructions in the focused retrieval, context reinstatement (specific) and change order strategies rather than short or long instructions. In contrast, participants tended to choose short instructions in the context reinstatement (general), report everything and change perspectives strategies rather than mid or long instructions. The short to mid-length instructions were considered more effective in eliciting information from witnesses than longer instructions. Table 5.3 illustrates the distribution of word length across CI strategies and the results of Round 1 (detailed statistical results are provided in Appendix 5.8).
Table 5.3 Part B, Round 1: Distribution of Cognitive Interview Strategies (Based on Word Length) and the Results of Round 1

<table>
<thead>
<tr>
<th>No.</th>
<th>CI Wordings</th>
<th>QNR*</th>
<th>Distribution of Length</th>
<th>Results Round 1</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Short</td>
<td>Mid</td>
</tr>
<tr>
<td>1</td>
<td>Focused retrieval Number of words</td>
<td></td>
<td>13</td>
<td>62</td>
</tr>
<tr>
<td></td>
<td>Item No.</td>
<td></td>
<td>#2</td>
<td>#1</td>
</tr>
<tr>
<td>2</td>
<td>Report everything Number of words</td>
<td></td>
<td>23</td>
<td>40</td>
</tr>
<tr>
<td></td>
<td>Item No.</td>
<td></td>
<td>#8</td>
<td>#16</td>
</tr>
<tr>
<td>3</td>
<td>Context reinstatement (general) Number of words</td>
<td></td>
<td>37</td>
<td>74</td>
</tr>
<tr>
<td></td>
<td>Item No.</td>
<td></td>
<td>#11</td>
<td>#7</td>
</tr>
<tr>
<td>4</td>
<td>Context reinstatement (specific) Number of words</td>
<td></td>
<td>45</td>
<td>63</td>
</tr>
<tr>
<td></td>
<td>Item No.</td>
<td></td>
<td>#14</td>
<td>#10</td>
</tr>
<tr>
<td>5</td>
<td>Change order Number of words</td>
<td></td>
<td>23</td>
<td>56</td>
</tr>
<tr>
<td></td>
<td>Item No.</td>
<td></td>
<td>#13</td>
<td>#5</td>
</tr>
<tr>
<td>6</td>
<td>Change Perspectives Number of words</td>
<td></td>
<td>23</td>
<td>46</td>
</tr>
<tr>
<td></td>
<td>Item No.</td>
<td></td>
<td>#12</td>
<td>#17</td>
</tr>
</tbody>
</table>

* QNR = Questionnaire

The Likert results of Round 1 across all strategies were not consistent with participants’ comments. Analysis revealed a competing perception among participants with regard to the preferred mid-length. For example, in the focused retrieval instruction, under the heading complexity, two participants commented that the mid-length instruction was less effective (B1#07) and too prolix (B1#06). Yet, a third participant stated that: ‘It is effective because it explains necessary things and assists the witness by relating him/herself to the interviewing context’ (B1#13) (see Appendix 5.10.1.1). Participants’ comments on the remaining CI strategies can be found in Appendix 5.10.1.

Inconsistency between the Likert results and participants’ comments was also identified in relation to short-length instructions in Round 1. For example, concerning the context reinstatement (general) strategy, under the category broad social concerns, two participants described the instruction as clear and direct (B1#06, B1#10). Yet, two other participants described it as a ‘rapid-fire’ question (B1#09) that was not effective in directing witnesses to retrieve memories (B1#05) (see Appendix 5.10.1.3). Participants’ comments on the remaining CI strategies are similarly inconsistent with the Likert results (see Appendix 5.10.1).
Part B, Round 1 reduced the number of items from 18 to six. These were used as a baseline to develop items for Round 2. To be more specific, participants’ comments were used to amend the remaining six items from Round 1, which became the Round 2 items. These were re-examined by participants. The aim was to achieve agreement on the best length of CI instructions in Indonesian. The Likert results of Round 2 showed that, except for the change perspectives strategy (its percentage of agreement was lower than 60%), all CI strategies achieved consensus (see Appendix 5.8).

The amendments in Round 2 amounted to replacing several wordings (see Appendix 5.9 for the amendment process of each CI instruction). Although there had been consensus on the most effective CI instructions in Indonesian, participants’ comments were not consistent with the Likert results. For example, in relation to the focused retrieval instruction, under the heading broad social concerns, one participant commented that the revised instruction was still too prolix (B2#07). Regarding the first part of the instruction, one participant remarked that it did not need to be verbalised because every witness was important (B2#19). Conversely, another participant stated that the instruction was acceptable because witnesses were guided to remember past experiences (B2#18) (see Appendix 5.10.2.1). Details about participants’ comments on the remaining strategies can be found in Appendix 5.10.2.

This Delphi revealed a recurring pattern of (in)consistencies between the results of the statistical data and participants’ comments in relation to word length. This reinforces the point that, while Likert scale data is useful in determining whether a Delphi round is terminated or continued, it cannot be taken as the only predictor of effectiveness.

5.2.1.2.2 Non-Technical Words

This section presents findings from Stage 2 Delphi, Part C. It identifies the best versions of translated CI instructions from English to Indonesian. In Round 1, 14 CI phrases from five CI strategies (i.e. focused retrieval, context reinstatement, report everything, change order and change perspectives) were examined by participants. Twelve CI phrases achieved consensus in Round 1; the remaining two phrases achieved consensus in Round 2, as shown in Table 5.4.
<table>
<thead>
<tr>
<th>No.</th>
<th>CI Strategy</th>
<th>Wordings</th>
<th>Item No.</th>
<th>Consensus Achieved</th>
<th>Optimal Translation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Focused retrieval</td>
<td>to think about (the crime)</td>
<td>#1</td>
<td>Round 1</td>
<td>mengingat ‘to remember’</td>
</tr>
<tr>
<td></td>
<td></td>
<td>to concentrate very hard (to recall them)</td>
<td>#2</td>
<td>Round 1</td>
<td>konsentrasi penuh ‘to fully concentrate’</td>
</tr>
<tr>
<td></td>
<td></td>
<td>to focus in (on just this one robber)</td>
<td>#4</td>
<td>Round 1</td>
<td>fokuskan ‘to focus’ or pusatkan pikiran ‘concentrate on’</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(to go back to) the images</td>
<td>#3</td>
<td>Round 1</td>
<td>gambaran ‘image’</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(to develop) a mental picture</td>
<td>#5</td>
<td>Round 2</td>
<td>gambaran mental ‘mental picture’ or gambaran pikiran ‘mental picture’</td>
</tr>
<tr>
<td></td>
<td></td>
<td>to think back to (when you first saw it)</td>
<td>#6</td>
<td>Round 1</td>
<td>ingat-ingat ‘to think about carefully’</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(get a good clear picture of him in your) mind’s eye</td>
<td>#7</td>
<td>Round 1</td>
<td>pikiran ‘mind’ or benak ‘brain’</td>
</tr>
<tr>
<td></td>
<td></td>
<td>get the best view of (him)</td>
<td>#8</td>
<td>Round 1</td>
<td>gambaran paling jelas ‘the clearest view of’</td>
</tr>
<tr>
<td></td>
<td></td>
<td>to picture (the room in your head)</td>
<td>#9</td>
<td>Round 1</td>
<td>gambaran ‘to picture’ or bayangkan ‘imagine’</td>
</tr>
<tr>
<td></td>
<td></td>
<td>to reinstate in your mind the context surrounding the incident</td>
<td>#10</td>
<td>Round 1</td>
<td>ingat-ingat kembali ‘to remember again’ or bayangkan kembali ‘imagine again’</td>
</tr>
<tr>
<td>2</td>
<td>Context reinstatement</td>
<td>in your own time and in your own pace</td>
<td>#11</td>
<td>Round 1</td>
<td>dengan leluasa ‘uninhibitedly’ tanpa terburu-buru ‘with no rush’</td>
</tr>
<tr>
<td></td>
<td></td>
<td>don’t leave out any details that you can think of</td>
<td>#12</td>
<td>Round 1</td>
<td>sekecil apa pun ‘any small things’</td>
</tr>
<tr>
<td>3</td>
<td>Report everything</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Change order</td>
<td>this time backwards</td>
<td>#13</td>
<td>Round 2</td>
<td>urutan mundur ‘reverse order’ or urutan mulai dari belakang ‘order’</td>
</tr>
<tr>
<td>No.</td>
<td>CI Strategy</td>
<td>Wordings</td>
<td>Item No.</td>
<td>Consensus Achieved</td>
<td>Optimal Translation</td>
</tr>
<tr>
<td>-----</td>
<td>---------------------</td>
<td>----------------------------------------------------</td>
<td>----------</td>
<td>--------------------</td>
<td>----------------------------------------------</td>
</tr>
<tr>
<td>5</td>
<td>Change perspectives</td>
<td>(go through the event) in the shoes of</td>
<td>#14</td>
<td>Round 1</td>
<td>starting from the back’</td>
</tr>
</tbody>
</table>

Table 5.4 demonstrates a clear preference for the use of standard Indonesian in CI phrases. This is indicated in the use of the suffix –*kan* (standard Indonesian) instead of –*in* (colloquial Indonesian) in the focused retrieval phrases *fokuskan* ‘to focus’ or *pusatkan pikiran* ‘focus your mind’, and the context reinstatement phrases *gambarkan* ‘to picture’ or *bayangkan* ‘imagine’; and use of the lexical *tanpa* ‘without’ (standard Indonesian) instead of *engga/ga* ‘without’, as exemplified in the report everything phrases *tanpa terburu-buru* ‘with no rush’.

### 5.2.2 Policing Implications for Using CI

The implications of CI for policing in Indonesia were the second critical theme that emerged from analysis of the Stage 2 Delphi questionnaires. This theme was apparent in participants’ comments on all six CI strategies presented in Part A. Participants expressed concern over whether enacting CI strategies, or applying particular elements of CI strategies, was appropriate in Indonesian policing contexts. Evidence can be found in participants’ comments in relation to broad social concerns, questioning practices and act effects in Part A of the questionnaire (see Appendix 5.6). In general, participants’ comments suggested a high degree of resistance to CI strategies, which were seen as contrary to existing norms and practices, as detailed in the following sections.

#### 5.2.2.1 Norms

The findings suggested that participants were resistant to CI because it was seen as being contrary to existing norms. This was revealed in participants’ comments in relation to the building rapport (see Appendix 5.13.1.1) and change perspectives strategies (see Appendix 5.13.1.8). The building rapport strategy involved two elements, showing empathy and transferring control from police interviewers to interviewees, both of which aimed to make the conversation between the two parties flow from the outset. Analysis of participants’ comments from Round 1 showed a definite tendency towards reluctance, with one participant commenting: ‘in interviewing witnesses, we have our own procedure’ (A1#20).
The change perspectives strategy addressed four activities: explicitly asking witnesses to take another person’s perspective, asking witnesses to think of the event from that perspective, encouraging witnesses to concentrate and asking them to report the event from that perspective. Analysis of participants’ comments from Round 1 revealed that participants were resistant to this strategy because the information elicited was likely to be based on opinion rather than fact. This is supported by a range of participants’ comments under questioning practices: ‘this instruction should not be used’ (A1#19), ‘witnesses are required to only talk about what they know and experienced’ (A1#15) and ‘information from witnesses are facts not opinions’ (A1#15, A1#16, A1#17). Further resistance to this strategy can be seen in participants’ comments in Rounds 2–4. Again, under the category questioning practices, participants emphasised that the instruction should not be used (A2#17, A2#18, A2#19, A3#18); that information must be based on what witnesses saw, heard and felt; and that information based on opinion or assumption could not be taken as evidence in court (A2#14, A3#16, A4#14, A4#16, A4#18).

5.2.2.2 Practices

This section presents findings about elements or strategies of CI that were considered unusual (i.e. not practised) by participants. Participants’ comments in relation to the building rapport, focused retrieval, report everything, context reinstatement and change order strategies showed this. In response to the ‘transfer of control’ element in the building rapport strategy, participants commented that the ‘interview is always under the control of officers’ (A1#16, A1#21) (see Appendix 5.13.1.1). Similarly, in Round 2, one participant stressed that ‘we never transfer control to witnesses’ (A2#19). According to another participant, ‘investigators always create a relaxed condition and use intelligible questions’ (A2#23), which made the transfer of control unnecessary (see Appendix 5.13.2.1).

In relation to the focused retrieval strategy in Part A (see Appendix 5.13.1.2), under broad social concerns in Round 1, one participant described the practice of encouraging witnesses to generate intense concentration as atypical (A1#19). In Round 1, under the questioning practices category, one participant suggested that it was not necessary to apply the focused retrieval strategy, which was like ‘beating around the bush’; instead, it was better to ask witnesses directly about the event (A1#18). Under the questioning practices category in Round 2 (see Appendix 5.13.2.2), one participant commented that
it was rare for Indonesian investigators to show empathy and solidarity (A2#10). This was in relation to memory retrieval tasks that were regarded as difficult.

The report everything strategy in Part A involved two types of approaches: general and specific. Both were presented with two main elements: explicitly asking witnesses to report everything in their mind and encouraging them not to edit the information. Analysis showed that participants regarded the second element as inappropriate. This is evidenced by comments in response to the questioning practices category in Round 1 (see Appendices 5.13.1.3 and 5.13.1.4). For example, one participant commented that ‘it is not necessary for the witness to tell any unimportant things’ (A1#17). Another participant remarked that, since ‘witnesses do not know which information is important and which is not important, it is the task of an investigator to elicit information’ (A1#07). This result was consistent with comments made in response to the same category (i.e. questioning practices) in Round 2 (see Appendices 5.13.2.3 and 5.13.2.4). For example, one participant commented that ‘investigators ask important things of the crime event’ (A2#18) while another claimed that the first element of the strategy was atypical (A2#10).

The context reinstatement strategy also involved two types of approaches: general and specific. Both were presented with three main elements: explicitly asking witnesses to think back to the original event, to recreate their initial psychological state and to describe their memory in detail. Analysis showed that participants were unwilling to use the context reinstatement strategy because it contradicted their existing beliefs on questioning (see Appendices 5.13.1.5 and 5.13.1.6). This is illustrated in participants’ responses under the questioning practices category. For example, participants stated that police officers asked witnesses direct questions about crime events (A1#16, A1#18, A1#20) and never asked witnesses to recreate memories (A1#10). This preference for direct questioning was confirmed in participants’ responses in Round 2; one participant observed that context reinstatement was never used in Indonesia (A2#10) and another emphasised that investigators asked questions one by one (A2#19) (see Appendices 5.13.2.5 and 5.13.2.6).

The change order strategy contained two elements: explicitly asking witnesses to retell stories backwards and guiding witnesses to tell stories from one point of time to another point, then in the reversed order. Analysis of participants’ comments in Round 1 showed that participants considered reversing the chronology an atypical practice (A1#10, A1#18). One participant commented that ‘answers written in the police investigation report are not in a reversed order’ (A1#18) (see Appendix 5.13.1.7). Participants’
resistance to this strategy was confirmed through analysis of their comments in Round 2. In response to the questioning practices category, participants stated that ‘the instruction is atypical’ (A2#10) and that, ‘for witnesses, sharing information chronologically is difficult, let alone doing it backwards’ (A2#14) (see Appendix 5.13.2.7).

5.3 Discussion

This chapter examines the appropriateness of language for the application of CI in the context of police interviewing of witnesses in Indonesia. Section 5.2 showed that CI strategies in the Indonesian setting were perceived as having two main linguistic features, namely formality and normalspeak, and two main implications for policing, namely that CI might be contrary to norms and include atypical practices. This section discusses and interprets these findings, beginning with the linguistic features of CI (Section 5.3.1).

5.3.1 Linguistic Features of CI: Formality and Normalspeak

According to the research findings, the two most important linguistic features affecting the application of CI in Indonesia were formality (Section 5.3.1.1) and normalspeak (Section 5.3.1.2). Section 5.3.1.1 answers key questions about which language varieties were employed and considered appropriate and why. It also explains inconsistencies between the Likert results and participants’ comments.

5.3.1.1 Formality: Respectfulness, Professionalism and Warmth

Section 5.2.1.1 presented findings regarding three aspects of formality identified from CI strategies in each Delphi round: person reference, standard vocabulary and discourse particles. Based on analysis of the Likert scale data and participants’ comments, formality was revealed as an extremely complex business (Trudgill, 2000). The basic norms of police interviews in Indonesia consist of three qualities: respectfulness (Levin & Novak, 1991), professionalism and warmth. The quality of respectfulness is expressed through police interviewers’ use of person references (e.g. Bapak/Ibu ‘Sir/Madam’), the quality of professionalism is reflected in the use of the high (H) variety of vocabulary (i.e. standard Indonesian) and the quality of warmth is represented by discourse particles. Person reference and discourse particles are transactional and relational markers of police interviews, whereas the H variety of vocabulary (standard Indonesian) projects the institutional feature of Indonesian police interviews. The three qualities are merged to create a suitable level of formality in Indonesian police interviews.
This section explains, and reflects on, the process of uncovering formality (or appropriateness more generally) in the Likert scale data and participants’ comments. The process, which involved eliminating quantitative and qualitative data, was highly complex, especially in Round 1. Elimination occurred when the participants’ percentage of agreement on a given style was lower than its counterpart style. It is worth recalling that Stage 2 Delphi, Part A, Round 1 involved five styles: *kamu-in* (style 1), *kamu* (style 2), *Bapak/Ibu* (style 3), *saudara* (style 4) and *anda* (style 5). *Kamu-in* (style 1) was the least formal whereas *anda* (style 5) was the most formal. The distribution of the five styles across the six CI strategies (i.e. building rapport, focused retrieval, report everything, context reinstatement, change order and change perspectives) was not exclusive due to the nature of the instrument. However, analysis of the Likert scale data from Round 1 showed that most participants chose the more formal style from the two styles presented for each CI strategy.

In relation to *kamu-in* (style 1), a clear pattern emerged wherein this style was always eliminated when facing its counterpart styles that had higher levels of formality. Its assigned counterpart styles were *kamu* (style 2) and *anda* (style 5). In Part A, Round 1, *kamu-in* (style 1) represented a quarter of the total number of provided items (see Section 3.4.3.2). Its total elimination proves that this very informal style was not considered appropriate for CI in the Indonesian policing context. This interesting fact can be depicted visually, as in Figure 5.1, which shows an imaginary line separating *kamu-in* (style 1) from other styles.
The tendency towards formality was also demonstrated by the elimination of *kamu* (style 2) when facing its assigned counterpart style *Bapak/Ibu* (style 3), which has a higher level of formality; the elimination of *Bapak/Ibu* (style 3) when facing its assigned counterpart style *saudara* (style 4); and the elimination of *saudara* (style 4) when facing its assigned counterpart style *anda* (style 5). From these findings, we can infer that participants have a particular stance towards police interviews in Indonesia, viewing them as formal speech events in which the interactants are expected to use formal codes of communication (Atkinson, 1982; Reyes, 2014). Put simply, formality rather than informality is considered the basic norm of interaction between police officers and witnesses in the Indonesian police setting. This finding is consistent with past studies by Andren, Sanne and Linell (2010) that focused on talk in safety-critical activities, by Maynard (1991) that investigated clinicians–client talk, and by Heydon (2005) that examined police–suspect interviews.

These processes of elimination revealed uncertainties around which style from the continuum was considered most appropriate for CI in the Indonesian police setting. This raises the following question: are all the styles, except *kamu-in* (style 1), applicable for CI or can the other four styles be regarded as variations that reflect flexibility? (cf. Djenar, 2008b, p. 33). Before answering this question, it is worth recalling what the styles used in this study comprise. Importantly, they were designed not only with varieties of Indonesian addressee reference ‘you’ in mind, but also with other elements of sentences, such as verbs and prepositions (see Chapter 3). For example, *kamu-in* (style 1), as the very informal style, was arranged to include addressee reference *kamu* ‘you’ and colloquial Indonesian, whereas *anda* (style 5), as the very formal style, was designed to include addressee reference *anda* ‘distant you’ and standard Indonesian (see Appendix 2 for details of colloquial versus standard Indonesian). Other styles include a different combination of addressee reference forms and vocabularies showing a different level of
formality from *kamu-in* (style 1) to *anda* (style 5). Their different components were encompassed in a continuum consisting of five styles.

The Likert scale finding regarding the tendency towards formality demonstrates that the Delphi survey design had a quantitative basis for selecting which options were appropriate. More specifically, the Likert scale provided participants with a clear choice in terms of style. However, as each style comprised several elements, the results of the Likert scale did not reveal why a style was considered appropriate or which elements of preferred styles were important. Such information could only be uncovered from participants’ comments. In responding to the task, participants placed themselves in hypothetical situations, as defined in the questionnaires, to imagine themselves as adult witnesses.

Determining the most appropriate level of formality based on participants’ comments also involved processes of elimination. The grounds for elimination were twofold: 1) whether the address term meaning ‘you’ in Indonesian was considered too informal or too formal—the former suggested impoliteness whereas the latter created distance or impartiality; 2) whether the use of colloquial Indonesian was considered informal in a police setting (as it was felt that this could cause adult witnesses to feel uncomfortable). Therefore, the most appropriate CI instructions contained qualities of politeness and/or respectfulness without creating excessive impartiality and/or distance and were delivered in standard Indonesian (as opposed to colloquial Indonesian). The presence of discourse particles in the instructions in Round 2 were perceived positively by the participants as they were believed to create a friendly and warm atmosphere of police–witness communication. Warmth and/or friendliness became the third quality of appropriate formality of CI instructions, as discussed below.

Considering the three qualities of appropriate formality (i.e. respectfulness, professionalism and warmth), we can say that person reference *Bapak/Ibu* ‘Sir/Madam’ (style 3) fulfils the first quality (i.e. respectfulness). As Wittermans (1967) explained, *Bapak/Ibu* ‘Sir/Madam’ is a kinship term derived from the word *bapak* ‘father’ and *ibu* ‘mother’. However, it has been extended to address not only the speaker’s real parents but also people who are old enough to be the speaker’s parents, social superiors, and/or people of a similar age or status as parents (Wittermans, 1967). In Indonesia, the interlocutors’ age plays an important role in determining the language varieties used in conversation (see Aziz, 2000; Aziz, 2003b; Jenson, 1988). Unlike addressee references
and lends a metaphorical brother/sister’ and anda ‘distant you’, which are categorised as common personal pronouns, according to Purwo (1984, p. 62) Bapak/Ibu ‘Sir/Madam’ is a noun ‘pronominally used to fill in the empty slots where “common” personal pronouns are found unsuitable to express various delicate differences of reference in terms of age and social status’. This suggests that Bapak/Ibu ‘Sir/Madam’ is sensitive to age and social status, which in turn suggests that it is deferential pronoun.

Using Bapak/Ibu ‘Sir/Madam’ might signal that the police interviewer perceives the witnesses as older, or similar in age, than him or herself, or as having a particular status in society. Thus, rather than creating distance, Bapak/Ibu ‘Sir/Madam’ can be used to signal respect and politeness. In addition, using Bapak ‘Sir’ to address an adult male witness or Ibu ‘Madam’ to address an adult female witness, implies that the interviewer is aware of the witness’s gender and relative age. This is the essence of appropriateness as put forward by Taguchi (2013, p. 5): ‘appropriateness was defined as the ability to perform speech acts at the proper level of politeness, directness, and formality’.

Choosing a deferential pronoun in the form of a kin term as a sign of respect mirrors police investigation practices in Mbare, Harare, as described by Kufakunesu, Mutambwa and Mavunga (2012):

By using kin terms to address people who come to report crimes at the police station, the police would be trying to reduce the social distance between themselves and the members of the public. Police are well aware of the feeling of intimidation which generally grips members of the public whenever they visit a police station. By using kin terms, the police are trying to assure the public there is nothing to fear at the police station. (2012, p. 88)

As introduced earlier, the notion of respectfulness in person reference was raised by participants in their comments regarding kamu ‘you’; however, it was not clear which addressee reference was preferable or why. In general, the decision over which addressee reference term to choose is motivated by personal variables such as age and social status. According to Kufakunesu et al. (2012, p. 87), ‘people are expected to show respect to their elders irrespective of the positions of power which they may hold in certain contexts’. The choice of person reference can be explained with respect to ‘the alternation rule’ popularised by Ervin-Tripp (1969, p. 102), in which address terms are determined by:

The characteristics of the person being addressed (e.g. adult, male, married or titled), factors that characterise the relationship between the speaker and the
person addressed (like role, age, blood relationship) and the attributes of the situation (e.g. intimate, formal or informal). (Ervin-Tripp, 1969:102)

Braun (1988) added that the use of different addressee references depends on how people perceive or categorise individuals or groups in their social surroundings and wider society. Kinship terms such as Bapak/Ibu ‘Sir/Madam’ in the Indonesian language are generally associated with deference or politeness (Aziz, 2000, p. 200). This was shown in Jurriens’s (2007, pp. 38-39) investigation of radio hosts who addressed their audience with Bapak/Ibu ‘Sir/Madam’. According to Budiyana (2003), in speech situations in which power relations between speakers and hearers are evident, kinship terms tend to be used. In such circumstances, it is best to avoid both kamu ‘informal you’ and calling people by their names. As Bapak/Ibu can also be regarded as a politeness strategy (cf. Kufakunesu et al., 2012), there are strong reasons to recommend it as the most appropriate person reference to address witnesses in CI interviews in the Indonesian policing context.

As indicated earlier, Part A of the Stage 2 Delphi involved five styles and four variants of person reference ‘you’ in Indonesian. These ranged from the very informal to the very formal: kamu ‘you’ (styles 1 and 2), Bapak/Ibu ‘Sir/Madam’ (style 3), saudara ‘metaphorical brother/sister’ (style 4) and anda ‘distant you’ (style 5). Having discussed Bapak/Ibu ‘Sir/Madam’, the remaining person references will now be reviewed. As explained in more detail below, these were considered inappropriate in the context of Indonesian CI instructions because they did not fulfil the qualities of formality.

The person reference kamu ‘you’ (styles 1 and 2) was considered appropriate for young witnesses. However, as the witnesses in this study were adult, participants suggested that kamu ‘you’ should be replaced by other more formal terms. This view is supported by Hassal (2013) who asserted that kamu ‘you’ in Indonesian is the pronoun of young people and is used to address people with whom the speaker is very familiar or who are of equal or lower status. Also, kamu ‘you’ suggests familiarity or intimacy (cf. Brown & Gilman, 1960; Djenar, 2006). Referring to participants’ comments in relation to kamu ‘you’ and the notion of formality as a basic norm of police interviews, it can be observed that the police institution seemingly restricts intimacy in the context of police interviews. As Heydon (2005, pp. 23-24) explained, this is because the interests of the institution come before individual police attention.

Kamu ‘you’ is inappropriate in police interviews because it is conventionally associated with interpersonal domains (cf. Djenar, 2008b). To use it in a formal institution such as a
police agency would not only contradict prevailing norms, but also challenge the distinction between interpersonal and public domains, which in turn ‘might invite a public reassessment of the current norms’ (Djenar, 2008b, p. 33). Shepherd and Griffiths (2013, p. 104) advised that police interviewers ‘should maintain an air of warmth-pleasantness without attempting to be too amiable (friendly)’, and that their aim should be to perform their role as professionals not individuals.

The person reference *saudara* ‘metaphorical brother/sister’ (style 4) was considered inappropriate by participants because it did not convey politeness and created distance. This perception aligns with Wittermans’ (1967, p. 51) findings. As he observed, *saudara* ‘metaphorical brother/sister’ is a kinship term that has experienced semantic divergence. In some ways, *saudara* ‘metaphorical brother/sister’ could mean ‘comrades’; however, it is generally used ‘to address a stranger of unknown name and rank, who is not old enough to be addressed as “father” or “mother”’ (Wittermans, 1967, p. 51). According to Flannery (2013, p. 203), *saudara* also functions as a title equivalent to ‘Mr’. Therefore, if a police interviewer addressed a witness as *saudara* ‘metaphorical brother/sister’, it would suggest that the interviewer did not consider the witness a friend or associate whose name, rank and age was known. In this respect, the police interviewer can be seen as placing the witness in an equal yet distant position from him or herself. Participants’ objections to *saudara* ‘metaphorical brother/sister’ might be read as suggesting their preference for a person reference that addressed formality without creating as much distance. This is confirmed by Budiyana (2003) who classified *saudara* as a V form (high) of address (cf. Brown & Gilman, 1960).

In support of this view, I have rarely encountered a speaker using the addressee reference *saudara* ‘metaphorical brother/sister’ in ordinary conversation in Indonesia. This is consistent with previous research. Although Purwo (1984) identified an increase in the use of *saudara* (and *anda*) in the 1970s, according to Flannery (2013) its use has diminished in recent years (cf. Flannery, 2010; Jurriens, 2007). Flannery (2013) argued that the appropriate context for *saudara* is the formality of a court of law. He explained that:

>The half a dozen Indonesian speakers specifically questioned on its contemporary use in the language all claim that they would not expect saudara to be commonly used in spoken language, except maybe in the kind of formal summons made in a doctor’s surgery when calling on the next patient. (Flannery, 2013, p. 215)
If *saudara* ‘metaphorical brother/sister’ is regarded as a register of doctor talk, it could also be regarded as a register of police talk, which is contrary to normalsspeak as an appropriate register of CI in Indonesian (this is discussed further below). It is important to note that *saudara* ‘metaphorical brother/sister’ is currently in use in Indonesian police interviewing practices and, therefore, might have been expected to be selected as an option by participants. However, since *saudara* ‘metaphorical brother/sister’ does not fulfil the expected quality of respectfulness without creating impartiality, it was not regarded as the best choice. This is a particular example of current police practice is shown to be inappropriate, and can be improved by implementing findings of the current study.

Participants considered that person reference *anda* ‘distant you’ (style 5) was appropriate for addressing unknowns or strangers (cf. Brown & Gilman, 1960). This interpretation is relevant to the function of *anda* ‘distant you’ in Indonesian as illustrated by Hassal (2013). He described *anda* ‘distant you’ as highly formal, very polite and suggestive of a very distant social relationship (cf. Wittermans, 1967). Although Heydon (2005, pp. 23-24) emphasised that the interests of the police institution are prioritised over those of individuals, too much impartiality discourages openness and trust between people and suggests a lack of social bonding (cf. Shepherd & Griffiths, 2013, p. 104). *Anda* ‘distant you’ was introduced into the Indonesian language in 1957 by planners as an equivalent to ‘you’ in English. It was hoped that it would supplant the diversity of Indonesian forms of ‘you’; instead, it merely added to the diversity (Flannery, 2010, p. 22). Research has shown that *anda* ‘distant you’ is not commonly used in spoken language except by non-Indonesian speakers (Hassall, 2013); however, it is well suited to addressing an abstract mass audience via the print media (Flannery, 2013, p. 285). As impartiality3 is not a quality of formality within Indonesian CI, *anda* ‘distant you’ was not viewed as an appropriate person reference for the application of CI in the Indonesian policing context.

Turning to the second quality of formality within Indonesian CI (i.e. professionalism as reflected in the use standard Indonesian), the general pattern observed in the findings was that, when CI strategies were presented in less formal styles, such as *kamu-in* (style 1) and *kamu* (style 2), participants focused on the choice of words. To be more precise,

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3 Impartiality does not recognise the respect and deference that are important to interpersonal relationships. Therefore, it is considered incompatible with the kind of formality required within Indonesian CI.
participants advised the researcher to replace colloquial Indonesian words with standard ones (cf. Arka & Yannuar, 2016; Ewing, 2005; Sneddon, 2006). As can be seen in the questionnaires, colloquial Indonesian was distinguished by simplification of standard Indonesian spelling and pronunciation (Sneddon, 2006) and ‘morphophonemic alternations’ during ‘verb affixation’ (Arka & Yannuar, 2016, p. 343). Illustrating the former, participant A#06 advised the researcher to replace the letter o in kalo ‘if’ (colloquial Indonesian) with the standard Indonesian diphthong au in kalau ‘if’. Exemplifying the latter, participant A#06, advised the researcher to replace suffix –in in ceritain ‘tell’ (colloquial Indonesian) with suffix –kan in ceritakan ‘tell’ (standard Indonesian), and to substitute prefix N– in ngebayangin ‘imagine’ (colloquial Indonesian) with prefix mem– in membayangkan ‘imagine’ (standard Indonesian). This indicates participants’ awareness of the expectation of formality and the use of formal codes in police interviews (see also Arka & Yannuar, 2016, p. 342; Labov, 1972, p. 113).

One implication of the use of standard Indonesian in the context of police interviews is that witnesses are also expected to use non-colloquial forms. However, as Chapter 4 showed, there are issues concerning witnesses’ language. Research on the language of minority groups in the legal process (e.g. Eades, 2003, 2010) has demonstrated that such groups are more likely to use colloquial language as a sign of their lower status. Although standard language forms are more about context than status, power plays a role. The result is a subtle mix of power and context. When solidarity and power in police discourse are taken into consideration, participants’ tendency to use standard Indonesian reveals their own use of ‘power’. Standard Indonesian is mostly learned at school (cf. Ferguson, 1959; Hudson, 1994); therefore, its knowledge is a source of power that represents police officers’ role in a legal institution (concerning institutional and professional quality). It follows that, in using standard Indonesian, police officers are attempting to establish relationships with witnesses that are professional rather than personal.

To this end, the Indonesian language offers a mechanism for the occurrence of formality. In sociolinguistic terms, this point can be explained with reference to the notion of linguistic diglossia. According to Sneddon (2003), two extreme varieties of Indonesian—standard Indonesian (High – H) and colloquial Indonesian (Low – L)—are used in a continuum within the speech community under different conditions. The H variety is used in governmental, administrational and legal matters as well as in formal situations such as speeches, lectures, education, literature and much of the mass media. In contrast, L is used at home and in casual conversation. As a consequence of this diglossic situation,
distinguishing or defining words as formal/informal or personal/professional in the Indonesian language is not as complex as claimed by Reyes (2014, p. 432). Participants’ preference for standard Indonesian rather than colloquial Indonesian confirms that the quality of professionalism in the personal–professional continuum requires formality.

Another important finding to emerge from the Stage 2 Delphi exercise was the insertion of discourse particles (e.g. nah ‘at last’ and ya ‘yes’) as markers of warmth or friendliness—the third quality of formality. This was based on participants’ comments such as: ‘The use of particle nah creates a friendlier situation’ (A1#13). Andrén et al. (2010) discussed the use of similar particles in their research on safety-critical talk in Sweden; in that case, the particles were identified as informal features of talk and as ‘simply a conversational format of “doing being personal”’ (Andrén et al., 2010, p. 227). In the current research, nah ‘at last’ showed an orientation towards the common goal of the CI instruction, whereas ya ‘yes’ was used to elicit agreement, establish cooperative behaviour or emphasise a point (cf. Andrén et al., 2010, p. 227; Wouk, 2001). Research by Wouk (2001) on solidarity in Indonesian conversation confirmed that ya ‘yes’ signals solidarity. She suggested that the cultural value of maintaining social harmony as depicted in Javanese life has led to a conversational style in which solidarity is marked by various strategies, including the frequent use of ya ‘yes’ (Wouk, 2001, p. 189).

In light of this, adding discourse particles shifts police interviews towards a more conversational style. Warmth and friendliness are associated with informality (cf. Misztal, 2002, p. 18). Adding discourse particles to CI instructions in standard Indonesian can be regarded as a slight intrusion into formality that indicates participants’ awareness of the need to create a safe and warm environment for police interviews (cf. Heydon, 2007b; Shepherd & Griffiths, 2013). As asserted by Heydon (2005, p. 24), the creation of such an environment should be viewed as an effort to balance legal requirements with the communication needs of interviewees, and, as suggested by Atkinson (1982, p. 87), is essential for the ‘practical achievement of “formal” organizational goals’. It can be regarded as an ‘innovative blend of formality and informality’ (Heydon, 2007b, p. 24) in which institutional power and social harmony act together to create a non-intimidating environment for witnesses in police interviews (Powell & Bartholomew, 2003, p. 634). Heritage and Clayman’s (2011, p. 35) contention that “ordinary conversation” can emerge in almost any seemingly institutional context’ confirms this view.
It is clear how the three qualities of formality have resulted in appropriate wordings for CI instructions in Indonesian. It is interesting to note that the first quality of formality, as expressed through respectfulness without distance, was identified in Bapak/Ilmu (style 3) in Round 2. The second quality of formality, as realised in the choice of standard Indonesian, was found in kamu (style 2), Bapak/Ilmu (style 3) and saudara (style 4) in Round 2, and anda (style 5) in Rounds 2–4. The third quality of formality, as operationalised in the use of discourse particles, was revealed in all four styles in Rounds 2–4. The use of standard Indonesian in Round 2 was based on participants’ suggestions in Round 1 to replace colloquial terms with standard forms. Therefore, while the second quality of formality was consistently found in the four styles used from Round 2 onwards, the first quality of formality was only oriented to Bapak/Ilmu (style 3). This suggests that the first quality of formality is independent from the second and the third qualities. This is to imply that addressee reference is, in principle, independent from formality, which means that there is no necessary connection between the choice of addressee reference and the formal speech situation of police interviews (cf. Brown & Gilman, 1960; Trudgill, 2000). Rather, the choice of addressee reference has more to do with the kind of relationship police interviewers wish to create with witnesses (Djenar, 2008b). The degree of consistency with which the second quality of formality (i.e. standard Indonesian) was signalled across all styles was not unusual. As Irvine (1984, p. 215) explained:

In the kinds of discourse that ethnographers have labelled more formal, consistency of choices (in terms of their social significance) seems to be greater than in ordinary conversation where speakers may be able to recombine variants to achieve special effects.

Having discussed the complex process of revealing formality and its appropriate level in the Indonesian policing context, it is important to consider the reasons underlying the complexity. Put simply, while the results of the Likert scale clearly showed which styles were considered more or less appropriate, participants’ comments revealed issues of inconsistency, as explained below.

The inconsistencies in participants’ comments were mainly due to a problem with the initial assumptions behind the design of the Stage 2 Delphi questionnaire. The questionnaire was designed with the idea that formality was one dimensional and that each ‘style’ was more or less formal than the others. In preparing the content of each style, the possibilities of relevant co-occurrences of person references with either
colloquial or standard Indonesian were considered, and the styles were represented in a continuum (see Figure 5.1). A Likert scale was used to identify which style was more appropriate in the Indonesian policing context. This approach was considered effective when used in conjunction with a Delphi iterative process as it could show which styles to eliminate per round. However, as formality (or appropriateness more generally) is actually multidimensional, participants found the process more difficult than anticipated. For each question, participants were given two styles and were asked to select which style was more or less formal. As such, participants were forced to make a single dimensional decision regarding a multidimensional issue on the Likert scale; however, they had an opportunity to elaborate in the comments section, which is where the complexity was revealed. Notwithstanding the researcher’s flawed initial assumptions and the unrealised limitations of the Likert scale, the iterative processes of the Delphi made the participants’ choices and comments more reliable and revealed the true complexity of situation.

The degree of inconsistency between the Likert results and participants’ comments was an important finding, as it played a role in revealing the layers of formality in Indonesian police interview discourse. The fact that only deferential addressee references were considered appropriate is considered a typical feature of discourse in institutional settings (Fisher, 1984; Heritage & Clayman, 2011; Irvine, 1979; Reyes-Rodríguez, 2008). Ilie (2010, p. 886) explained that: ‘While in non-institutional settings the norms and conventions for selecting forms of address are negotiable and can provide a wider choice, in institutional settings they tend to be prototypical, more specialised and more restricted in number.’

It is worth emphasising that ‘formality’ is multidimensional and can vary in interesting ways. As it is not linear, formality cannot be scaled. However, to achieve the appropriate quality of (complex, multidimensional) formality, it is possible to identify and use different ‘settings’ on different dimensions. For CI instructions to work appropriately in the Indonesian policing context, it has been established that three qualities or dimensions of formality (i.e. respectfulness, professionalism and warmth) must co-occur linguistically. This finding is further discussed in Chapter 7.

5.3.1.2 Normalspeak: Shorter Instructions and Contextual Wordings

This section discusses register—that is, linguistic varieties that are linked to police interviews, as identified from the data from Part B and Part C of the questionnaires. To recap, Part B was intended to reveal the effectiveness of CI instructions in Indonesian and
Part C aimed to find the best version of translated CI wordings in Indonesian. The findings showed that shorter instructions were considered more effective by the majority of participants and that non-technical words (standard Indonesian) were preferred for CI phrases. These characteristics of language are called normalspeak (as opposed to policespeak) (Coulthard & Johnson, 2007, pp. 76-77; Fox, 1993; Gibbons, 2003, pp. 85-87; Heydon, 2005) and are discussed below.

As mentioned, the majority of participants agreed that mid to short-length instructions were the most effective at eliciting information from witnesses. However, this relies on effective memory encoding (Begg & White, 1985, p. 70). When memories are encoded effectively, witnesses can comprehend short instructions without the need for additional cognitive resources or time (Ferreira, 1991; Kebbell & Johnson, 2000, p. 631), enabling them to directly engage with the interviewer (2017, p. 256). This finding suggests that using short instructions during police interviews would neither trivialise the process of giving evidence, undermine witnesses’ credibility nor reduce the reliability of witnesses’ account due to fatigue (Kapardis, 2009, p. 62; Westera et al., 2017, p. 258).

Participants described long instructions as too complicated (A1#10, A1#12), prolix (A1#01, A1#06, A1#07) and difficult to process (A1#01). This perspective is supported by Westera et al.’s (2017, p. 258) observation that overly ‘wordy and detailed instructions’ that ‘could create fatigue in the complainant due to cognitive overload’. According to Westera et al. (2017, p. 258):

This fatigue was compounded by the fact that many complainants are already under considerable emotional stress due to the nature of the crime, had already undergone a lengthy engagement process with the police prior to the interview, and were often vulnerable in other ways (e.g. suffering from mental disorder or intellectual impairment, or were repeat victims of abuse throughout their lifetime).

By analysing choices participants made in the questionnaire about different words, the researcher identified appropriate phrases (based on the results of the questionnaire). The phrases in the questionnaires that received higher agreement by participants have been identified as the more appropriate versions of translated CI phrases because they are expected to produce better results when used in police interviews (cf. Jacobs, Dell & Bannard, 2017). In general, participants seemed to favour more high-frequency words. This is to be expected because as Conklin and Schmitt (1973, p. 54) argued, ‘frequency
seems to lead to a particular form being represented in the mental lexicon’. It follows that as such words are deep-seated in memory, they will be processed faster.

Table 5.4 shows participants’ preference for standard versions of certain phrases. For example, the phrase ‘to focus in (on just this one robber)’ in the focused retrieval strategy was translated into five standard Indonesian versions, and fokuskan ‘to focus’ or pusatkan pikiran ‘to concentrate on’ were seen as more appropriate than the other three versions (namely bayangkan ‘imagine’, dekatkan gambar dalam pikiran ‘zoom in (the event) from your mind’ and lihat dalam pikiran secara dekat ‘view (the event) closely from your mind’) (see Appendix 5.12.3). The three versions were less preferred because they were considered unusual. Standard Indonesian is indicated by the suffix –kan (instead of –in, which is colloquial). None of the participants expressed concern with this standard form. This could reflect their awareness of the need for formality (professionalism/standard forms) in Indonesian police interviews due to the diglossic nature of the Indonesian language.

In addition to shorter instructions, normalspeak in the Indonesian police interviewing context features standard forms. However, according to Shepherd and Griffiths (2013), police interviewers also need to be conscious of the length of witnesses’ utterances and to follow this suggestion: ‘If you detect the individual uses mostly short, everyday words, in short utterances, you need to mirror this pattern by observing the mnemonic KISS—Keep It Simple and Short’. In relation to the use of standard language in recalling memory, research suggests that, in the context of bilingual speakers, the best way to elicit information and retrieve interviewees’ memories is through the language of their first thought (Bugelski, 1977; French & Jacquet, 2004; Marian & Neisser, 2000; Matsumoto & Stanny, 2006; Muniroh, Findling & Heydon, 2018; Schrauf & Rubin, 2000, 2003, 2004). In this regard, it is more likely that colloquial wordings will be more frequent. Therefore, while the standard form should be the basis of police interviews, it is important for police interviewers to be flexible in their use of language and to always consider who they are speaking to. With this normalspeak, which considers the context of language use, it is believed that CI can work appropriately in the Indonesian police setting. The Indonesian CI phrases will help interpreters or police to achieve the pragmatic aims of the interaction and investigative role of the instructions.

To be clear, for CI to work in the Indonesian policing context, Indonesian CI instructions should be characterised by multidimensional formality and feature contextual
normalspeak. This finding highlights the importance of providing language-based CI training to Indonesian police investigators to make the technique viable in the Indonesian policing context.

5.3.2 Policing Implications of CI: Norms and Practices

This section examines the implications of CI for policing in Indonesia. Six CI strategies have been investigated in this chapter: building rapport, focused retrieval, context reinstatement, report everything, change order and change perspectives. Based on participants’ comments, the aspects of CI that participants found most worrying were:

- ‘transfer of control’ in the building rapport strategy
- ‘unnecessary task of building concentration’ in the focused retrieval strategy
- ‘telling unimportant things’ in the report everything strategy
- ‘multiple questioning’ in the context reinstatement strategy
- ‘reversed chronology’ in the change order strategy
- ‘giving testimony using another person’s perspective’ in the change perspectives strategy.

Analysis of participants’ comments suggested that participants were resistant to these aspects of CI strategies because they were perceived to be contrary to the existing norms and practices of police interviewing in Indonesia. This assessment was made with reference to the existing practices of witness interviews in Indonesia (cf. Kebbell et al., 1999). It can be understood as reflecting participants’ lack of knowledge of CI—a framework and technique to which they have never been exposed. It is also highly likely that participants lack understanding of the importance of memory formation to police work. Not knowing how memory works, according to Yarbrough, Hervé and Harms (2013, p. 62), is one of the most common problems unwittingly faced by investigative interviewers.

Before exploring the differences between CI and existing norms and practices of police interviewing in Indonesia, a working definition of culture is required. This study relies on Zegarac (2007, pp. 38-39) notion of culture, as derived from Sperber (1985, 1996), in which ‘relatively stable patterns of a particular type of metarepresentation’ are referred to as ‘cultural representation’:

Cultural representation: a metarepresentation [that] involves stable three place relations between:
- A mental representation (of a physical entity, event, direct emotional experience, etc.)
- A belief about mental representation (e.g. hammer, doorstop, love, anger); and
- A sizeable population made up of individuals (a nation, an ethnic group, an age group, a professional group, etc.) who share the same, or very similar, beliefs about particular types of mental representations over significant time spans. (Zegarac, 2007, p. 39)

It is clear from the previous paragraph that some aspects of CI strategies were considered not acceptable because they were perceived by the participants to be contrary to the existing norms and practices of police interviewing in Indonesia. This indicates that there is a certain police culture currently prevalent in Indonesia. Zegarac’s idea of what culture is, helps us understand how this culture might be changed so that CI is more likely to be accepted. If the current interview practice were the ‘cultural representation’, understanding ‘the three place relations’ between a mental representation of police interview, a belief about mental representation and a sizable population made up of police officers would provide direction on ways to introduce CI to Indonesian police. Therefore, without any knowledge of CI, police investigators are likely to perceive CI as challenging a stable and appropriate technique. Drawing on language ideology and workplace language and literacy program literature (e.g. Katz, 2001; Woolard & Schieffelin, 1994), it is possible to devise an alternative way of delivering CI training that incorporates memory and language research to ‘re-engineer’ police officers’ language use and social interactions with witnesses. In line with Zegarac’s (2007, pp. 44-45) view of culture, and in light of general knowledge about the link between the reliability of elicited information and interviewing techniques, CI is likely to begin to seem more relevant to people through dissemination of its benefits by means of communication. This begs the question: if CI is delivered in training, what materials should be provided to address participants’ concerns regarding aspects of CI?

The ‘transfer of control’ instruction is used to encourage witness participation in the building rapport strategy (Brunel & Py, 2013; Clarke et al., 2013). As one of the communication components of CI (Clarke et al., 2013), the transfer of control is ‘likely to heighten the witness’s sense of control, perhaps restoring some of the power that was

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4 Investigating police perceptions on the existing interview techniques and practices (Stage 1 of this thesis) is paramount to revealing police’s cultural representation of police interview. The results of this have provided some insights on ways to introduce CI to the Indonesian police (see Chapter 4 and Chapter 7).
lost in the victimization’ (Fisher & Geiselman, 2010, p. 327). However, participants commented that the ‘interview is always under the control of the officers’ (A1#16, A1#21). This implies that the dominant aspect of the current police investigation culture is the belief that that ‘officers control the interview’. This belief should be evaluated, for, according to Dando, Wilcock and Milne (2009, p. 689), abandoning it can have unexpected consequences:

If a witness is unaware of what is expected of him/her because he/she has not been explicitly told, a ‘cognitive barrier’ (Fisher, 2006) can develop. This in turn is likely to result in a brief witness account as interviewees prior expectations may lead them to assume that the interviewer is already aware of what has occurred and thus their account is of limited importance.

Police officers expect to be authority figures and witnesses expect to be controlled by police officers. Therefore, for CI to be effective in the Indonesian police context, it might be necessary to establish CI training that explains how power and authority function in questioning, and how language can be used to negotiate power or solidarity. To mitigate any challenges caused by the ‘transfer of control’, informing witnesses about the process might also be necessary. According to the literature, ‘transfer of control’ was considered less useful, less frequently used and of unproven effectiveness by police investigators in the field⁵ (Keppard et al., 1999, p. 101; Memon et al., 1994); however, it might still be useful to teach it, if only to make police officers cognisant of the influence of power on language use. It might also be worth exploring the possibility of modifying ‘transfer of control’ by delivering it in an implicit way—for example, by not interrupting (Keppard et al., 1999, p. 101)—which could have the effect of challenging the normative expectation of police officers as powerful and controlling authority figures.

Similar to the building rapport strategy, focused retrieval is included in CI to facilitate communication (Fisher et al., 1987, p. 35). The research findings showed that participants considered the focused retrieval strategy unusual and not effective—it was like ‘beating around the bush’ (A1#18, A1#19). This suggests that focused retrieval conflicts with existing practices of police interviewing that rely on ‘directness’—or gaining information from witnesses that is ‘directly’ relevant to ‘the content of the case’. With this characteristic in mind, it can be understood that encouraging witnesses to search their

⁵ The use of CI in the field is most likely the result of training. Note that ‘the effects of training are complex and depend not only on length of training, but [also on] quality of training, background of interviewer, attitudes toward training, and so forth’ (Memon, 2006, p. 541).
memory in a concentrated manner would be considered unnecessary. However, using a deliberate strategy of focused retrieval can help police investigators better understand the benefits of intense concentration for the purpose of retrieving detailed layers of memory. Again, one possible way to pursue this strategy is via training. The most important messages to deliver to police investigators in training are how to help witnesses understand the process of searching through memory, the potential benefits of enacting such processes and the best language to use in asking witnesses to perform the task.

Fisher and Geiselman (2010) have argued that focused retrieval is one of the most difficult techniques to master in CI, as part of its purpose is to reveal what witnesses are thinking. To achieve focused retrieval, witnesses need to feel comfortable and be provided with unlimited time to search through their memories without any distractions. Avoiding distractions during interviews and managing time constraints could prove challenging for Indonesian police interviewers (Köhnken et al., 1994).

Participants found the ‘telling unimportant things’ instruction in the report everything strategy unnecessary (A1#17, A1#07). Their shared belief regarding this aspect of CI suggests a lack of understanding of the importance of memory formation for police work. According to Fisher and Geiselman (1992, p. 90), a witness’s ‘memory of an event is greatly influenced by how many … original thought patterns [and] emotional reactions … can be recreated at the time of the interview’. Recreating or recalling the witness’s physiological state and the physical environment of the event are also vital. For this reason, police interviewers should not limit or restrict witnesses by asking them to describe the event only, because what seems relevant to investigators might be different from what witnesses see as significant. Moreover, recalling seemingly irrelevant experiences might help the witness to activate their memory of the event, resulting in more detailed information for the investigation. For CI to work effectively in the Indonesian police setting, it is necessary to introduce training on how memory works and how to use language to encourage witnesses to report everything.

The findings regarding the ‘multiple questioning’ aspect of the context reinstatement strategy revealed participants’ resistance to this strategy. Asking multiple questions to retrieve memory was regarded as inconsistent with police officers’ existing practices; police officers ask specific questions one at a time, not all at once. To respond to this gap, training on the importance of recreating context for detailed information elicitation and ways of requesting it might be useful. Trainers could use police officers’ current
questioning style as a starting point to build context reinstatement instructions. According to Fisher and Geiselman (1992, p. 100), there are two ways of asking witnesses to recreate the context of the crime event: ‘explicitly requesting the [witness] to think about the context or by asking specific questions that require her to think about it’. The latter method is compatible with existing practices; the interviewer asks a question and then allows the witness to answer it before moving on to the next question. If the former method is used, training in the importance of pausing to give witnesses time to recreate context would be needed. Fisher and Geiselman (1992) advised allowing five to ten seconds before probing for further details.

Participants expressed concerns about the ‘reversed chronology’ aspect of the change order strategy. The purpose of the strategy is to maximise memory retrieval. The finding showed that participants considered the instruction unusual and difficult for witnesses to perform. This indicates participants’ lack of exposure to CI and to this strategy in particular. Further, it indicates that existing practices do not recognise, or fail to fully recognise, the many and varied ways of retrieving memory. According to research on CI, this strategy has been rated as less useful and less frequently used in the field than context reinstatement (e.g. Brunel & Py, 2013; Kebbell et al., 1999; Memon et al., 1994). Based on this, an argument could be mounted that it is not worth pursuing this strategy in Indonesia. Yet, its poor rating could be result of insufficient training and not a weakness of the strategy itself (Kebbell et al., 1999). There are conditions in which the strategy works effectively. For example, when two recall attempts are requested by interviewers, rather than asking the witness to recall the event from the beginning twice, it is better to ask for one to be forward and the other to be backward (Geiselman & Callot, 1990). Therefore, identifying both effective training and the conditions for effective use of the change order strategy would help to resolve this issue.

Regarding the change perspectives strategy, participants objected to the idea of using another person’s perspective due to its legal implications. They asserted that information from witnesses must be based on what they saw, heard and felt. This corresponds with literature that criticises the change perspective strategy for encouraging speculation, as information based on it cannot be taken as evidence (Memon, 2006). Participants’ resistance to this strategy was strong and the instruction continued to Round 4 to achieve consensus. Rather than a lack of exposure to CI, what explains participants’ level of resistance to this strategy is their unwavering belief in the value of ‘interviewing for factual information’. This strong, unwavering belief of the participants indicates the
current police culture of investigation. The strength of this belief suggests that the change perspective strategy might not be worth delivering in training. Studies confirm that the strategy is unlikely to be used and is of unproven effectiveness (Kebbell et al., 1999, p. 113). Other evidence suggests that the strategy does not increase recall any more than the simple instruction to ‘try harder’ (Memon, 2006, p. 534; Milne & Bull, 2002).

The strong and consistent resistance of participants to aspects of each of the CI strategies can be viewed as an indirect measure of the lack of social acceptance of the technique overall. Having encountered similar resistance in their research, Brunel and Py (2013, p. 451) questioned whether the memory retrieval technique was compatible with the notion of being a good investigator. However, it is also possible that the level of resistance reflects concerns over legislative requirements and/or existing standards and practices of interviewing. (The next chapter discusses the legal viability of CI.) In principle, participants’ knowledge and understanding of the importance of CI is likely to be greatly improved if they are exposed to the technique via training. When training is delivered, police officers should be made aware of the possibility that witnesses might consider the CI instructions unusual. Therefore, officers should be trained to inform witnesses about the complexity of memory retrieval and the importance of recalling events in detail. Strategies such as building rapport and context reinstatement might need to be modified to account for the existing norms of interviewing. Further, officers should be equipped with appropriate language to represent their institutional roles, for memory retrieval and for social interaction. Police officers who are saturated in this language have the tools to be good investigators.

5.4 Conclusion

This chapter has discussed the findings of Stage 2 to address sub-question 2: ‘how linguistically appropriate are CI instructions in the Indonesian language?’ The findings were organised into two main themes: the linguistic features of CI and implications of CI for policing. These themes were drawn from two types of data: Likert scale and participants’ comments. In relation to the linguistic features of CI, the Likert scale data showed consensus on the need for a formal mode of delivery and use of normalspeak (i.e. short instructions and contextual language using standard Indonesian). Participants’ qualitative comments provided nuances that enabled the Likert scale data to be analysed in more depth.
Regarding the first theme (i.e. linguistic features of CI), the findings showed that formality is complex and multidimensional. The appropriate level of formality for CI in Indonesia embraces three dimensions: respectfulness, professionalism and warmth. Respectfulness is shown using the deferential addressee reference Bapak/Ibu ‘Sir/Madam’. Professionalism is realised using standard Indonesian vocabulary. Warmth is indicated using discourse particles. The combination of these dimensions ensures social harmony and meets institutional expectations. The findings showed that CI instructions should not be overly wordy and should be delivered in standard Indonesian (or colloquial Indonesian depending on the witnesses’ language). The underlying assumption of this linguistic formula is that language style has important social implications (Djenar et al., 2018). By means of appropriate Indonesian CI instructions, interviewers would be better able to elicit information and retrieve memories from witnesses (French & Jacquet, 2004; Marian & Neisser, 2000; Matsumoto & Stanny, 2006). The formula presented here was essentially a consensus opinion derived from the processes of the Delphi technique. The Delphi processes narrowed the scope of alternatives of language appropriate for CI in the Indonesian policing contexts and brought clarity to Indonesian police interviewing discourse. The formula can serve as a guide for devising CI instructions in Indonesian within the parameters of this research (i.e. for adult witnesses of a general crime event). However, more important is police interviewers’ awareness of the fact that context influences language choices and that language choices have social implications.

Regarding the second theme (i.e. implications of CI for policing), the findings showed that, although CI strategies have been proven to improve memory retrieval and facilitate communication, participants were reluctant to embrace them. This is because they perceived the strategies as being contrary to existing norms and practices of police interviewing. This might indicate a lack of exposure to, and knowledge about, CI. Therefore, to make CI work in the Indonesian policing context, introducing CI to Indonesian police via training and modifying aspects of CI to suit the Indonesian policing context is important. In delivering CI via training, two issues should be considered: designing effective training and identifying appropriate conditions for CI strategies to work effectively. Building on this chapter’s main findings, the next chapter explores the legal viability of CI in the Indonesian policing context.
Chapter 6: Legal Viability of CI in the Indonesian Policing Context (Stage 3)

6.1 Introduction

As discussed in the previous chapter, one of the factors mentioned by participants in their assessment of the application the cognitive interview (CI) technique to police interviewing in Indonesia related to its legal implications. Hence, this study is justified in moving to Stage 3 to answer sub-question 3: ‘how legally viable is CI in the Indonesian policing context?’ This chapter examines whether any laws or police regulations need to change for CI strategies to work in the Indonesian police context (cf. Carden, 2011; Dixon, 2006a; Lyon, Lamb & Myers, 2009; Read & Powell, 2011). The discussion reflects on how other countries have managed this transition and the extent to which they have seen improvements in their legal systems, as flagged in Chapter 2 (e.g. La Rooy et al., 2015; Lyon et al., 2009; Ord, Shaw & Green, 2014). The chapter argues that, to gain maximum benefits from CI, Indonesia will need to improve its regulatory framework, and that police authorities might need to create new regulations around the use of open questions and compulsory interview recording. This chapter contends that Indonesia can use CI as a foundation to develop interviewing practices that fit any type of event and characteristics of witnesses to improve justice outcomes.

As described in Chapter 3, Stage 3 examined the legal viability of CI via the use of a non-consensus Delphi (see Keeney et al., 2011, pp. 5-6) with two rounds. Round 1 employed face-to-face interviews and Round 2 utilised questionnaires. In Round 1, participants were shown videos demonstrating CI and were then asked to respond to a series of questions about how CI would work in the Indonesian legal system. In Round 2, participants were asked to fill in questionnaires containing four topics namely the legal environment of CI, possible procedures of interview with CI, writing police investigation reports based on CI and impacts of CI’s implementation. Round 2 was positioned to pursue further information regarding legal aspects of CI that emerged from the results of Round 1. The research participants comprised 28 experts: 20 legal professionals (i.e. five police investigators, two lawyers, seven prosecutors and six judges), five academics (i.e. two psychologists, two criminologists and one policing studies expert), two human rights’ activists and one journalist.
Data from the interviews and questionnaires are organised into two main themes: the legal and regulatory framework of CI and beyond the legal and regulatory framework of CI. To guide the discussion of the first theme, four main areas of statutory laws pertinent to an investigation of the language of police interviewing from a legal perspective serve as points of departure in Section 6.2: witnesses’ rights, police conduct, electronic recording and police investigation reports (cf. Read & Powell, 2011, p. 599). In Section 6.3, discussion of the second theme focuses on the usefulness and practical implications of CI. The chapter’s conclusions are presented in Section 6.4.

6.2 Findings and Discussion: Legal and Regulatory Framework of CI

This section presents the findings and discussion arising out of the Stage 3 Delphi on the legal viability of CI. As mentioned, it is divided into four sub-themes: witnesses’ rights (Section 6.2.1), police conduct (Section 6.2.2), recording witnesses’ narratives (Section 6.2.3) and police reports (Section 6.2.4). These sub-themes are derived from the results of data analysis from both rounds of the Stage 3 Delphi (i.e. interview and questionnaires). The extent to which CI was seen by participants as being in line with existing legislation or regulations is described in each section. Following on from analysis of the sub-themes, Section 6.2.5 makes a case for the importance of improving Indonesia’s legal framework and investigation practices.

6.2.1 Witnesses’ Rights

This theme describes participants’ perceptions of the human rights of witnesses (Round 1 interview) and appropriate legal environment for CI that might support the observance of such rights (Round 2 questionnaire). From Round 1, participants’ comments on witnesses’ rights were found in interview questions Topic A Number A1 CI Practices and Topic B regarding Another Impact. From Round 2, the findings about witnesses’ rights were drawn from Part A Legal Environment for CI. The results from analysis of the interview data (Round 1) are presented first, followed by the questionnaire data (Round 2). In the interview data excerpts, such as those presented below, it is worth noting that the participants are sometimes switching between describing what they have observed in the video and describing common practices in Indonesia. This explains why some of the comments seem contradictory or inconsistent.

In Round 1, participants noted that witnesses sometimes felt insecure when police officers interviewed them using existing techniques, and reflected that witnesses might feel more
secure if interviewed using CI (see Appendix 6.3). Participants ascribed current witness insecurities to a perceived asymmetrical power relationship between police officers and witnesses (see Excerpt 6.1), lack of legal protection for witnesses (see Excerpt 6.2) and officers’ poor questioning practices (see Excerpt 6.3). It is interesting to note that Int#01 used the word ‘ego’ to refer to the institutionalised power that enabled interviewers to trigger witnesses to provide information (see Excerpt 6.1).

**Excerpt 6.1 (Int#01)**

Selaku aparat penegak hukum tetapi dia menonjolkan bahwa dia adalah orang yang eu ... pewawancara atau orang yang meminta keterangan orang yang betul-betul pingin mendapatkan keterangan yang betul-betul ini ... dia tidak ada egonya. Di kita kan berbeda. Kita kan masih mengandalkan egonya kan? bahwa orang itu ditanya itu bukan karena ini, karena dia melihat bajunya ini jadi orang memberikan keterangan itu kan jadi begitu.

She is a police officer, but she emphasises that she is er ... an interviewer or a person who elicits information who seriously tried to obtain information from witnesses ... she has no ego. But here it is different. Police officers still rely on their ego you know? that a witness gives information not because they are asked, but because they see a uniform, so the witness is willing to give information.

**Excerpt 6.2 (Int#01)**

Kalau di kita ini kan beban seorang saksi itu kadang-kadang eu ... teror-teror yang sifatnya ini undang-undang perlindungan saksi dan korban kadang-kadang tidak juga berjalan gitu.

Here in our context, the burden of witnesses is sometimes er ... they feel terrified because the law regarding witnesses’ and victims’ protection is not enacted well.

**Excerpt 6.3 (Int#01)**

Kadang-kadang orang diperiksa dibiarkan dulu ... dikasih satu pertanyaan ditinggalin pergi dulu, supaya jadi orang itu mentalnya itu aduh ini mentalnya jatohkan? ’sudahlah nanti apa yang mau ditanyakan saya sampaikan sajaalah’ gitu, gitu ... itu kan sudah tidak bener.

Sometimes the interviewee is abandoned for some time ... is given one question then the officer left him/her, so the witness’s mental state declines you know? [he/she will feel like] ‘all right, I will just answer the question however [the officer wants me to]’ ... this is not right.
These factors that explain witness insecurities are also reasons why people are reluctant to become witnesses, as evidenced in Excerpt 6.4.

**Excerpt 6.4 (Int#04)**

> Termasuk cara mereka bertanya pun kadang-kadang ya itu tadi … karena ada di suatu daerah … yang lebih baik dia ketemu harimau daripada ketemu polisi.

Including the way, the officer asks questions as I mentioned before … because there was in one region … witnesses thought if it is better to see a tiger than a police officer.

Participants believed that CI could make witnesses feel more secure because it would reduce asymmetrical power relationships between police interviewers and witnesses (see Excerpt 6.5), respect witnesses’ rights (see Excerpt 6.6) and generally be more humane than existing techniques (see Excerpt 6.7).

**Excerpt 6.5 (Int#25)**

> Baik, dari peristiwa tadi, saya bisa menangkap bahwa memang si pemeriksa, yang menginterviu itu membuat suasana seakan-akan tidak ada perbedaan jarak antara si pemeriksa dan si terperiksa, sehingga itu yang membuat kembali semangat untuk si terperiksa. Si interviu terinterviu itu untuk merasa nyaman mengeluarkan apa yang pernah dia ketahui, dan dengan mudah dia mengingat-ningat dan dengan gampang dia menceritakannya.

From the video, I saw that the interviewer created a situation as if there was no distance between the interviewer and the witness. This made the witness feel enthusiastic. The interviewee feels comfortable to tell anything that he knew and to recall and tell it easily.

**Excerpt 6.6 (Int#18)**

> Jadi teknik ini adalah bisa mengakomodir keadilan, gitu kan? Jadi hak suara orang itu dihargai gitu loh.

So this technique can accommodate justice, can’t it? So witnesses’ rights to speak are respected.
In Round 2, participants were asked to assess statements in a five-point Likert scale in relation to legal support for CI, specifically, that witnesses’ rights can be warranted. Importantly, data from the Likert scale tells us about participants’ opinions and perceptions, not legal facts. Analysis of the Likert scale data revealed that participants believed that CI can work in a legal environment that supports witnesses’ rights. This is evidenced in participants’ responses to the suitable legal environment of the building rapport, focused retrieval, report everything and context reinstatement strategies (Part A).

Participants’ responses to the building rapport strategy showed that CI is understood to be able to work in a legal environment that upholds human rights; supports investigators to treat witnesses empathically; encourages investigators to be fair, caring, responsive, firm and humane; and supports investigators to pay attention to witnesses’ physical and psychological conditions. All of these conditions are in line with current Regulations of the Chief of the Indonesian National Police. That human rights should be observed is stated in Regulations of the Chief of the Indonesian National Police No. 8 of 2009 and No. 3 of 2008 (Article 3); that investigators should treat witnesses’ empathically is outlined in Regulation No. 8 (2009) (Articles 52 and 54), and Regulation No. 3 (2008) (Article 3); that investigators should be fair, caring, responsive, firm and humane in their treatment of witnesses is stated in Regulation of the Chief of the Indonesian National Police No. 14 of 2011 (Article 11b); that investigators should pay attention to the

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1 Concerning Implementation of Human Rights Principles and Standards in the Discharge of Duties of the Indonesian National Police.

2 Concerning Establishment of Special Service Spaces and Procedures of Witness and/or Victim Investigation.

3 Concerning Ethical Codes of the Indonesian National Police.
situation and condition of witnesses’ physical and psychological condition outlined in Regulation No. 8 (2009) (Articles 27 and 52).

Participants’ responses to the focused retrieval, report everything and context reinstatement strategies revealed that CI is believed to be able to work in a legal environment that supports the provision of a proper examination room. The minimum standards of such a room are described in Regulation No. 3 (2008) (Article 17). Accordingly, it should be quiet, bright and clean, and free of any daunting features so that witnesses can be comfortable and unstressed.

The majority of participants’ responses to the report everything strategy showed that CI is perceived to be able to work in a legal environment that pays attention to, and respects the rights of, witnesses to testify freely according to their version of events. This resonates with Regulation No. 8 (2009) (Article 27).

This discussion of witnesses’ rights makes it clear that Indonesian statutory laws provide an adequate legal environment for the implementation of CI.

6.2.2 Police Conduct

Many of the comments and responses of participants in Round 1 (interview) and Round 2 (questionnaires) related to police conduct—that is, actions taken by police investigators in connection with their official duties. The most typical action in this regard was questioning (Tracy & Robles, 2009). Participants mentioned questioning without pressure, active listening and friendly attitudes during questioning, questioning in an exploratory and a comprehensible manner, and CI questioning procedures. The findings from Round 1 were taken from participants’ responses to Topic A Number A1 CI Practices and Number A3 Procedures of CI, and the findings from Round 2 were derived from participants’ answers to Part B Witness Investigation Procedures with CI.

In Round 1, participants’ responses in relation to police conduct demonstrated that CI is believed to be consistent with Law of the Republic of Indonesia No. 8 of 1981 concerning the Code of Criminal Procedure on the basis of witnesses’ giving information without pressure, as expressed in Excerpt 6.8.

Because … as stipulated in the Code of Criminal Procedure, the interview must be conducted … without pressure. This means that witnesses are given freedom fully by the law, aren’t they? That is so, in relation to giving such responses as er … ‘I don’t know’, ‘I am not sure’, ‘I forgot’ and so forth is allowed by our law. So the essence is actually similar. That’s the case, but it’s just the interviewing technique that might be different.

Participants’ responses regarding police conduct included comments on officers’ active listening abilities and friendly attitude during questioning. Excerpt 6.9 demonstrates active listening. Excerpt 6.10, CI is presented as a questioning practice similar to existing practices of child interviewing in which investigators pay attention to interviewees’ wellbeing and show friendliness.

Soften itu kan bagian dari ... body language ... bagian dari body language, kapan kita harus eu mendekat, kemudian kita cara eu begini gitu kan? Kita menunjukkan ... kita tujuannya kan mendengarkan secara aktif maka ... makanya kita juga harus memosisikan diri gimana sih supaya kita tuh bisa menangkap apa sih poin yang diceritakan sama ... sama yang kita wawancara kan gitu?

Soften is part of body language … part of body language, when we have to get er closer, then we do it like er that, don’t we? We show … our objective is to listen actively so … so we have to take that position in order to grab all points of … the interviewee’s story.

Kalau di Indonesia, kalau saya lihat sekarang ini yang … yang sedikit akan menggunakan ini adalah penyidik-penyidik yang yang menangani perkara anak itu, sebab dalam hal penanganan perkara anak ... wawancaranya kan samping-menamping jadi biar anak itu nyaman anak itu memberikan keterangan lebih ... lebih lebih enak dia, dia tidak mendapat
Police conduct was also mentioned by participants in relation to questioning in an exploratory and comprehensible manner. The questioning pattern in CI was perceived as being similar to existing practices, which are exploratory rather than interrogative. Excerpt 6.11 shows this. Neither leading nor suggestive questions were viewed as acceptable (see Excerpt 6.12) and the importance of comprehensible questions was emphasised (see Excerpt 6.13).

Excerpt 6.11 (Int#12)


The pattern in the past, before 1981, was that we did more interrogative questioning, investigators thought more about asking questions and using only closed specific questions. It is like we directed interviewees’ answers in some ways, and this practice was planted in our mind … But it’s not like that now, such a practice was not supported. We let interviewees tell the story freely first … like that, but of course not just anything, ‘please tell us what you have heard from beginning to the end’. Then we’ll check. Of course, we’ll explore.
Excerpt 6.12 (Int#10)

Dalam hukum kita itu dilarang, pertanyaan jangan menjerat atau mengarahkan. Bagaimana supaya saksi itu mengarahkan seperti ini. Nah itu tidak boleh atau pertanyaan yang menjerat itu tidak boleh.

According to the law, we are not allowed to use suggestive questions or ones that direct how the witness should answer. Suggestive questions are not acceptable.

Excerpt 6.13 (Int#03)

Dia meminta si saksi untuk menceritakan secara terperinci. Secara pengetahuan pendidikan di luar sana itu pasti lebih tinggi, tetapi biasanya yang terjadi di saya itu adalah er … adalah er … interviewer menanyakan 'seperti apa sih pak menceritakan secara rinci, contohnya gimana sih? Gitu … kalau disini kan dia cukup.

She asked the witness to tell everything in detail. In terms of knowledge, education in their countries must be higher in quality, but usually what happens is er … the interviewer asks ‘what is it like, sir, tell it in detail, any examples?’ Like that … but not there in their countries.

As the style of questioning used in CI features exploration, CI was perceived as providing witnesses with the opportunity to provide additional information (see Excerpt 6.14).

Excerpt 6.14 (Int#03)

Terus er iya … terus di awal itu dia menanyakan ‘apakah ada yang ditanyakan?’ Di sebuah pemeriksaan polisi, syarat formil itu nanti diakhir harus ditanyakan apa, sebenarnya sama itu di closure ya … ‘apakah ada per eu jaw eu apakah ada keterangan lain?’

Then er … then in the beginning, she asked ‘is there any questions?’ In a police investigation, in its formal requirement, she has to ask in the end, in the closure ... ‘is there er any other information you would like to add?’

To be clear, in relation to police conduct, participants discussed questioning without pressure, questioning in an exploratory and comprehensible manner, active listening and friendly attitudes during questioning. All of these practices were perceived by participants as being consistent with CI.

Excerpt 6.15 shows a participant’s perception of the sequence of questions used in CI. Initial questions check witnesses’ health and willingness to be interviewed. After that, it
is noted that it is important to confirm that the interviewee understands the reason for the interview. Subsequent questions concern witnesses’ background (i.e. occupation, family and education). Having asked these preliminary questions, it is acceptable to ask questions about the content of the case.

Excerpt 6.15 (Int#01)

Pertama kalau pertanyaan pertama biasanya kan standar aja … ‘apakah saudara dalam keadaan sehat? jasmani dan rohani? bersediakah saudara untuk diperiksa’ atau ditanyakan ... pertanyaan itu kan pasti standar semua ... ‘mengertiakah saudara kenapa saudara dipanggil diperiksa?’ Pasti akan begitu dan baru riwayat-riwayat pekerjaan riwayat ... eu ... riwayat keluarganya ... jadi gitu, riwayat pendidikan, itu pasti akan standar lah ... jika nanti giliran di riwayat pekerjaan kalau tindak pidana korupsi nah nanti akan penyidik akan menanyakan begini ... ‘bahwa pada tahun segini saudara adalah menjabat, apakah saudara mengetahui ada pelaksanaan kegiatan ini pada saat saudara menjabat ini?’ Nah itu, baru nanti nyambung ke bawahnya ini.

First, the first question is usually a standard one … ‘are you in a healthy condition? physically and mentally? Are you willing to be interviewed?’ or officers ask … These are all standard questions … ‘do you understand why you have been summoned to be interviewed? The order must be like this, after that officers can ask about occupation … er … family background …like that, educational background, these are standard questions … when asking about witnesses’ occupation and dealing with a corruption case, an investigator will ask questions like … ‘in the year such-and-such you held a position, did you know that there was a certain activity at that time?’ Like that, after that the investigator can ask another question.

In Round 2, participants were requested to assess statements in a five-point Likert scale across the six CI strategies. In relation to police conduct, analysis of the questionnaire data showed that participants were confident that CI could work in a legal environment that supported questioning without pressure, questioning in an exploratory and comprehensible manner, active listening and friendly attitudes during questioning, and CI questioning procedures.

A suitable legal environment for the focused retrieval strategy was viewed as one in which investigators were not permitted to force confessions or fabricate witness testimony. This is in line with Regulation No. 14 (2011) (Article 14e). The results of the Likert scale analysis from the report everything, change order and change perspectives strategies showed similar results. The majority of participants agreed that a suitable legal
environment for CI was one that supported witnesses to give testimony without any pressure from anyone or in any form. This resonates well with Law No. 8 (1981) (Article 117) and Regulation No. 8 (2009) (Article 5).

Another CI strategy that was presented in the questionnaire was witness compatible questioning. Participants’ responses showed that this strategy could work in a legal environment that supported investigators to ask clear and polite questions that were easily understood by the examinee and delivered in a friendly and empathic manner. This finding corresponds with Regulation No. 8 (2009) (Article 27). Participants viewed this strategy as capable of facilitating a style of questioning that started with open-ended questions (e.g., tell, explain and describe) before moving to specific questions (e.g. 7\text{-}KAH or 6WH + 1H) if specific information was not forthcoming (cf. Regulation of the Head of Criminal Investigation Agency of the Indonesian National Police No. 3 of 2014 regarding Standard Operating Procedures of Criminal Investigation, Article 5b5b).

According to participants’ responses, a suitable environment for the focused retrieval, report everything and context reinstatement strategies was one that encouraged investigators to hear testimony from witnesses (whether it was related to the case or not) using techniques of active and attentive listening. This corresponds to Regulation No. 3 (2008) (Article 3). A suitable legal environment for the context reinstatement strategy was believed to support police interviewers to show friendly attitudes, while protecting and nurturing examinees. This is in line with Regulation No. 3 (2008) (Article 17). Participants’ responses showed that the change order and change perspectives strategies could be used in a legal environment that gave witnesses and suspects the opportunity to provide additional information. This finding is in line with Regulation No. 8 (2009) (Article 27).

In relation to CI questioning procedures, the Part B questionnaire data showed that CI strategies can be integrated into existing standards of witness investigation procedures in Indonesia (as stipulated in Regulation No. 3 (2014)). This is evidenced by participants’ agreement on the majority of statements in the Part B questionnaire relating to the implementation of CI strategies during interviews (see Appendix 6.4 for detailed results).

\footnote{This regulation stipulates asking questions wisely and using specific questions (i.e. 7\text{-}KAH or 6WH + 1H) but does not mention open-ended questions.}
The following outline of an appropriate questioning procedure using CI is based on participants’ responses.

A high number of participants agreed that it was important to build rapport early in the investigation (i.e. when the investigator first meets the witness). A considerable number of participants felt that the focused retrieval strategy should be implemented before the investigator asked about the witness’s health and willingness to testify. Others suggested that it could be implemented after this stage (i.e. before the investigator began asking questions about the substance of the case). Alternatively, it could be implemented before making the police investigation report. A high number of participants agreed that the retell everything strategy should be implemented after asking witnesses to focus their mind on the substance of the case, and that context reinstatement should also be used at that stage.

A considerable number of participants believed that witness compatible questioning should be implemented when the investigator asked about the substance of the case and/or when the investigator asked for information to meet the material requirement of the police investigation report. Most participants felt that the last two strategies, change order and change perspectives, should be implemented when the investigator asked for information regarding the substance of the case.

Each of the seven CI strategies described above were perceived as legally viable in the context of existing legal procedures of police interviewing in Indonesia. This suggests that it is not only legally possible to implement CI strategies but also desirable; indeed, the current regulations seem to be calling for a CI-type interviewing style. Therefore, the question arises: why are police officers not following these regulations and conducting CI-style interviews already? This question is discussed in Section 6.2.5.

6.2.3 Recording Witnesses’ Narratives

The third sub-theme of the legal and regulatory framework of CI is recording witnesses’ narratives. It encapsulates participants’ perceptions in relation to the use of electronic recording in police interviewing of witnesses. Findings were taken from participants’ comments and responses to Round 1 Topic B Impact of CI and Round 2 Part A Legal

5 Known in Indonesia as *Berita Acara Pemeriksaan (BAP)*.

6 Including witness compatible questioning.
Environment for CI and Part D The Impact of Implementing the CI in Witness Examination (No. 20). Generally, participants felt that electronic recordings guarded against misconduct on the part of investigators and reduced the possibility of witnesses recanting their testimony in court. Moreover, it was felt that recording could be used as potential evidence in court. Int#12 highlighted the protection or ‘safety’ that recordings offered police officers who could not be falsely accused of misconduct, as shown in Excerpt 6.16.

**Excerpt 6.16 (Int#12)**

*Konteks safety tuh begini, agar jangan sampai nanti ada non-compliance, nah terhadap polisi. Katanya polisi melakukan pemeriksaan dengan cara yang kasar atau segala macem, buat pressure segala macem, nah kita rekam lagi. Liat lagi rekamannya, ada gak seperti itu?*

Safety means like this, to avoid any complaints of non-compliance, towards police officers. If someone says officers conducted a coercive interrogation or anything, like pressuring, therefore we recorded it. Just ask people to check with the recording, can they find any misconduct?

Participants felt that if police officers used electronic recordings, it was less likely that witnesses would accuse them of intimidation. Therefore, such recording would reduce the possibility of witnesses recanting their testimony in court. This view was expressed by Int#13 (see Excerpt 6.17).

**Excerpt 6.17 (Int#13)**


It will be clear if we have recorded it, people will not say again, ‘I recant my testimony’ or ‘I disagree with the police report’. Nowadays, it is common that people say this and they say ‘I gave the statements because the officer forced me, tortured me, and so forth’. With the video at hand, we can play it and show whether there is coercion.

In Int#25’s view, electronic recording needed to be accepted as an evidentiary instrument that could be used in court (see Excerpt 6.18).
Sangat membantu karena memang kita meskipun di KUHAP sendiri belum mengenal pembuktian melalui rekaman, tapi di banyak yurisprudensi, itu sudah diterima sebagai salah satu alat bukti. Memang di undang-undang belum diatur, tapi di yurisprudensi sudah banyak mengatur tentang bukti rekaman adalah salah satu alat bukti. Hasil rekaman adalah salah satu alat bukti.

It really helps because although the Code of Criminal Procedure has not recognised recordings as evidence, in lots of jurisprudence, they have been accepted as an evidentiary instrument. It is true that the law has not regulated it but in jurisprudence, recording has been acknowledged as an item of evidence. The result of recording is an item of evidence.

The positive attitudes of participants towards the use of electronic recording in the course of police interviews are identified clearly from Round 1 (interview).

In Round 2 (questionnaires) Part A, the majority of participants agreed that CI could work in a legal environment that accommodated, as much as possible, an investigative process that was audio and video recorded. This situation is referred to in Regulation No. 3 (2014) (Article H5b3).

Analysis of Part D showed that a large number of participants agreed that electronic recordings protected investigators from accusations of misconduct or unethical behaviour during investigations, reduced the likelihood of witnesses recanting their testimony in court and should be accepted as evidence in court. Thus, the electronic recording of interviews, which is a mandatory part of CI, was viewed extremely positively by participants. However, this endorsement is not in line with current police regulations that mention, but do not enforce, the use of recording devices. This is discussed further in Section 6.2.5.

6.2.4 Police Report

This sub-theme captures participants’ views in Round 1 (interview) and Round 2 (questionnaire) regarding the writing of police investigation reports using CI. It covers the legal requirement of police reports, challenges in producing the report and an alternative legal amendment. Findings were taken from participants’ responses to interview question Topic B Impact of CI (Round 1) and answers to Part C The Making of the Police Investigation Report (Round 2).
In Round 1, participants stated that police interviewers should continue producing police reports when using CI. Int#20 based her opinion on the Indonesian Code of Criminal Procedure (see Excerpt 6.19).

**Excerpt 6.19 (Int#20)**

*Kalo menurut saya, ini masih berlaku. Kan harus dibuat ini. Tidak bisa di ... kita ini menyidangkan bukan karena saya corong undang-undang, bukan. Tapi kalo saya tidak berpatokan kepada undang-undang, ya berantakan, jadi kalo di Indonesia masih harus berpatokan pada KUHAP. Terkecuali kalo ini ... diganti atau diperbaharui, mungkin pakai audio bisa, bolehlah, tapi selama itu belum, ya harus ada BAP. Kalo saya tetap berpatokan ke ini. Jadi tetep BAP itu harus ada, sesuai dengan buat penyidik, dibuatlah Berita Acara yang ditandatangani oleh saksi dan pemeriksa, gitu.*

In my opinion, it still applies. It should be produced. Cannot be … we bring to trial not because I am the representative of the law, not because of that. But if I do not base it on the law, it will be disordered, so in Indonesia, we still have to base our practice on the Code of Criminal Procedure. Except if … the Code is changed or amended, perhaps using audio recording is ok, but as long as the Code does not say that, writing a police report is compulsory. That’s my basis. So the police report must exist and is made by the investigator. The police report is signed by both the witness and the investigator, like that.

CI witnesses are expected to produce extended narratives (i.e. long answers), which can create challenges. Although participants recognised that CI could accommodate the formal and material requirements of the police investigation report, they believed it would be necessary to adjust their speed of typing to account for long answers by witnesses. These issues were highlighted by Int#03 and Int#12 (see Excerpts 6.20 and 6.21).

**Excerpt 6.20 (Int#03)**

*Sistem wawancara di Indonesia ya ... eu ... si interviu sebelum memulai dia menjelaskan ‘jam 12 ... tempat nya di kantor ini lantai sekian, hari ini’. Itu sebenarnya itu adalah bagian dari syarat formil suatu BAP.*

The interviewing system in Indonesia you know … er … the interviewer before starting, he mentions ‘the time is now 12 … the place of interview is in office such and such floor, today’. These are part of the formal requirements of the police report.
In the context of asking questions, the way of interviewing, there is no problem. We only need to do a bit of adjustment, because we have to type a lot, yes type a lot ... The one who types should be different from the interviewer, the only thing is adjustment, adjusting the speed of asking and the speed of typing.

One participant felt that typing during the interview interrupted the flow (see Excerpt 6.22).

Excerpt 6.22 (Int#06)

But if I look at it, the PEACE* interview is interrupted by the typing, isn’t it? It is not effective … yes, it is not effective. Sometimes we let it, don’t we? We have set, set the sequences, then we type, we are forced to push witnesses to stop.

*PEACE is the national model of investigative interviewing in England, Wales and Northern Ireland. It is an acronym of Planning and preparation, Engage and explain, Account, Closure and Evaluate. It was implemented nationally in the UK in 1993 with a comprehensive training program (Milne & Bull, 1999; Shepherd & Griffiths, 2013). CI has been incorporated into PEACE police training package in investigative interviewing and has been used in the Account phase of PEACE (Milne & Bull, 1999, p. 55).

Regarding the challenges of writing police reports in the framework of CI, one participant commented on the need to filter the information that was included. Int#03 expressed the view that information that explained the legal elements of a case must be written in the report (see Excerpt 6.23).
Excerpt 6.23 (Int#03)

An investigator should find a way to make the police report understood by a prosecutor, because he will read it … so the investigator must know which topic can be used to fulfil the legal elements of a case … that … should be clear in the police report.

The need for a change in the law was mentioned; however, Int#11 felt that the justice system itself might be a barrier to change, as shown in Excerpt 6.24.

Excerpt 6.24 (Int#11)

But it is not easy … why? Because CI will face the existing justice system. What does it mean? In concrete terms, if you bring CI here, you first have to change the law.

Based on analysis of the interview data, it is clear that participants perceived that, if CI were implemented in Indonesia, changes would be needed in the reporting of police interviews. These changes related to the production of reports and the legislation or regulations surrounding them.

In Round 2, participants were requested to assess statements about the making of police reports in the framework of CI using a five-point Likert scale. Part C of the questionnaire showed that the majority of participants agreed that, when using CI, investigators would still need to write a police investigation report. They also agreed that the report should be typed by the investigator during the interview with the witness. In this regard, it was observed that the investigator should ask the witness to speak calmly and slowly; adjust the speed of their typing to match the witness’s speaking speed; and place the laptop at the edge of the table, so that it would not block their face-to-face interaction with the witness. Some participants felt that the report should be typed after the interview was finished.

Analysis of the Likert scale data confirmed the interview data. While cognisant of the compulsory nature of the police report, as stipulated by the Code of Criminal Procedure,
participants remained open to CI and, to a certain extent, suggested several adjustments to reconcile CI and the Code of Criminal Procedure.

6.2.5 Discussion: Legal and Regulatory Framework of CI

The previous sections identified key findings in relation to the legal and regulatory framework of CI in the Indonesian policing context. Four main areas of statutory law pertinent to an investigation of the language of police interviewing were reviewed. Sections 6.2.1–6.2.4 articulated participants’ opinions regarding a suitable legal environment for CI and compared these to the existing legal and regulatory framework of police interviews in Indonesia. This section discusses these findings from a legal perspective.

Overall, CI was perceived positively by participants, most of whom felt that CI was an improvement on existing practices. This is because CI was understood as (potentially) better observing witnesses’ rights, and providing more services and better justice outcomes to interviewees than existing practices. Yet, at the same time, these features of CI were also perceived by some participants as being present in current Indonesian police interviewing practices, particularly child interviewing. The existing legislation and police regulations were viewed by most participants as providing sufficient legal support for the implementation of CI in the Indonesian policing context. Therefore, CI was viewed as not only legally possible but also, to some extent, legally required.

The disparity between police officers’ current interviewing practices and the practices outlined in the regulations raises the question: why are police officers not following these regulations and conducting CI-style interviews already? This question informs the discussion in this section. Two outstanding issues, namely the use of closed (as opposed to open) questions and the habit of not recording interviews, need to be addressed before CI can be properly implemented in Indonesia. This section contends that, with the exception of these issues, the Indonesian legal environment provides adequate and sustainable supports for the implementation of CI in the Indonesian policing context.

The legal regulations relating to the information gathering phase that might limit or support CI’s viability in the Indonesian justice system are discussed below in light of the four areas of statutory law highlighted in the findings. The main focus is on the lack of open-ended questions and recordings in the existing technique; however, an overview of the relevant legal regulations is presented first.
The Code of Criminal Procedure primarily governs the legal ability to support or reject CI. Article 117 of the Code provides a starting point for discussing witnesses’ rights, police conduct, recording interviews and police reports. Article 117 requires police investigators to treat interviewees without pressure and stipulates that witness testimony should be recorded in a police report using the witness’s own words. Non-compliance with this section can result in the testimony being inadmissible in court. With reference to Article 117, it is reasonable to assert that Indonesian police investigators cannot refuse to use CI, as it is an entirely non-coercive interview technique (cf. Lyon et al., 2009). However, objections could be raised with regard to the recording of interviews, as discussed below.

In relation to witnesses’ rights (see Section 6.2.1), participants emphasised the need for witnesses to feel safe and protected when participating in legal processes. Most participants viewed CI as being able to provide such support. This was because CI was perceived as reducing the asymmetrical power relationship between police interviewers and witnesses, respecting witnesses’ rights and generally being more humane than current practices. This finding corresponds with Fisher and Geiselman’s (1992, p. 27) observation that CI encourages investigators to regard witnesses as team members, which not only creates symmetrical power relations (cf. Haworth, 2006) but also results in investigators being more friendly and cooperative (Oxburgh & Dando, 2011). Understanding witnesses’ needs and expectations also encourages cooperative behaviour, resulting in investigators’ and witnesses’ needs merging in pursuit of a common goal (Fisher & Geiselman, 1992). Indeed, equalising the capacity of procedural justice so that power relations become more equal (see Mentovich, 2012) is inherent in CI.

Legislation stipulating the nature of non-coercive practices of police investigation conceptually establishes the condition for witnesses to feel safe and protected, and for investigators to maximise witnesses’ memory retrieval to enable communication of the retrieved memory. To recall the findings, participants’ perception that CI strategies, such as building rapport, uphold human rights is relevant to Regulation No. 8 (2009) and Regulation No. 3 (2008) (Article 3). The perception that CI treats witnesses empathically is in line with Regulation No. 8 (2009) (Articles 52 and 54) and Regulation No. 3 (2008) (Article 3). The understanding that the technique encourages investigators to be fair, caring, responsive, firm and humane resonates well with Regulation No. 14 (2011) (Article 11b). The view that CI encourages investigators to pay attention to the physical and psychological situation and condition of witnesses is in accordance with Regulation
Participants’ perception that CI strategies, such as report everything, could work in the Indonesian legal environment—given that local regulations pay attention to and respect the rights of witnesses to testify about events in their own terms—echoes Law No. 8 (1981) (Article 117) and Law No. 13 (2006)\(^7\) (Article 4), and resonates well with Regulation No. 8 (2009) (Article 27).

In relation to police conduct, particularly questioning, several participants considered CI to be consistent with the Code of Criminal Procedure and viewed the existing questioning pattern as being similar to CI (i.e. exploratory rather than confirmatory). However, other participants expressed the contrary view (see e.g. Excerpt 6.15), namely, that police interviewers used closed questions more than open questions (i.e. confirmatory rather than exploratory). With regard to CI strategies such as focused retrieval, most participants understood that it would not result in forced confessions or fabricated witness testimony. This is relevant to Regulation No. 14 (2011) (Article 14e). Participants viewed other CI strategies, such as report everything, change order and change perspectives, as supporting witnesses to give unpressured testimony. This resonates well with Law No. 8 (1981) (Article 117) and Regulation No. 8 (2009) (Article 5).

As Nakane (2014, p. 8) observed, ‘the legal requirements and principles of police interviews affect the ways in which police questioning is conducted’. CI works on the principle that, ‘as all of [the] information [is] stored in [the witness’s] mind, they must be mentally active during the interview and generate information, as opposed to being passive and waiting until the [interviewer] asks the appropriate question before answering’ (Fisher & Geiselman, 1992, p. 31). Therefore, questioning should offer witnesses’ the opportunity to take an active part in the information gathering processes by explicitly asking them—inviting them—to contribute free narratives (Milne & Bull, 1999). In this regard, the mood of police questioning using CI should be ‘supportive and non-intimidating’ (Fisher & Geiselman, 1992, p. 68). Such a mood is primarily operationalised in open-ended questions, as suggested by Fisher and Geiselman (1992, p. 75): ‘most of the information is gathered through the [witness’s] narrative responding to open-ended questions rather than through brief answers to many closed questions’. Another style of questioning, such as WH-questions, might also generate the right mood if used appropriately (cf. Newbury & Johnson, 2006).

\(^7\) Concerning Protection for Witnesses and Victims.
Open questions or non-restrictive questions are ‘recognizable as an instruction, request, or question’ (Shepherd & Griffiths, 2013, p. 202). Such questions seek information as opposed to confirmation (Newbury & Johnson, 2006). Operating using tell, explain and describe words (Milne & Bull, 1999; Oxburgh et al., 2010), they are extremely useful in an investigation context ‘because the information … they obtain is likely to be more accurate irrespective of age, and they elicit longer and more detailed responses than closed and specific questions’ (La Rooy et al., 2015, p. 77). There is wide consensus in the literature about the benefits of open questions (see for example Milne & Bull, 1999; Oxburgh et al., 2010; Shepherd & Griffiths, 2013).

As noted in the literature, leading questions are commonly regarded as the most coercive type of question because of ‘their characteristic of presupposing and/or trying to “lead” the respondent to a particular answer’ (Archer, 2005, p. 79); ‘un-productive and associated with poor questioning’ (Griffiths & Milne, 2006, p. 182); and risky questions (Shepherd, 2007). Therefore, it is appropriate that legislation prohibits their use. Yet, according to Dodd and Bradshaw (1980), the problem lies not with the questioning style itself, but with the presupposition that such questions inhibit or distort comprehension and memory. Thus, when an interviewee is aware that an interviewer might direct them to a preferred answer, it is likely that leading questions will distort memory. This notwithstanding, as leading questions are not represented in the literature as having any positive attributes, such questions should be avoided. In this regard, Fisher and Geiselman (1992, p. 69) emphasised that: ‘Because of the mental operations in retrieving information from memory and the social dynamics of the interview, leading questions may bias what the [witness] remembers and also how she reports her recollection’.

Regulation No. 3 (2014) stipulates the kind of information required from interviewees in the Indonesian policing context. To fulfil the material requirements of the police report, the information should answer 7-kah questions: siapakah ‘who’, apakah ‘what’, dimanakah ‘where’, dengan apakah ‘with what’, mengapakah ‘why’, bagaimanakah ‘how’ and bilamanakah ‘when’. Who is about the people involved in the crime event. What concerns the crime event itself, including its chronology, motivation, cause and background. Where asks for the place or location of the incident, where the victims or items of evidence were found, and where the witnesses or suspects reside. With what refers to the instrument or instruments used to commit the crime. Why asks about the background of the event, including its cause or motivation. How concerns the way in which the crime was committed. When asks about the time of the incident. These seven
groups or types of information are termed Investigation Relevant Information (IRI) by Oxburgh, Ost and Cherryman (2012, p. 263). The 7-kah (or 6WH + 1H) questions are not open-ended; instead, according to Shepherd and Griffiths (2013, p. 205), they are ‘focused’, ‘specific’ or probing-type questions that cue interviewees to recall detail and identify specific things. In the context of investigative interviewing, they can be used alongside open-ended questions to fill gaps in witnesses’ testimony (Launay & Py, 2015, p. 65). Many researchers classify such questions in a similar taxonomy as open-ended questions—that is, as information seeking questions (e.g. Newbury & Johnson, 2006; Oxburgh et al., 2010; Oxburgh et al., 2012).

The purpose of a criminal investigation is to ascertain what happened, who did what, together with where and when the crime occurred (Milne & Bull, 2006). However, this does not mean that investigators are bound to use 6WH and 1H questions all the time. Other information-seeking question styles, such as open-ended questions, can also be used. To be clear, this is not to suggest that investigators should not use WH and H questions; rather, that other questioning strategies and functions should also be considered (Oxburgh et al., 2010). This is important because researchers have noted that the typical expectation of the type of response required with WH and H questions is often counterproductive to witnesses’ memory retrieval (Fisher & Geiselman, 1992; Shepherd & Griffiths, 2013). Fisher and Geiselman (1992, p. 76) suggested that WH and H questions should be used strategically and alongside open-ended questions; specifically, they recommended ‘initiating the probe with an open-ended question and then following up with direct questions’ (see also Oxburgh et al., 2010, pp. 59-60) (compare this the question funnel used by Indonesian police as described in Chapter 4). This is supported by Oxburgh et al. (2012, p. 268) research, which proved that ‘responses to appropriate questions contained significantly more items of IRI than responses to inappropriate questions’.

When using open-ended or WH questions, the possibility of creating a power imbalance between investigators and witnesses should be kept in mind. This can occur when the same question is asked repeatedly or when investigators relentlessly pursue the same point (Shepherd & Griffiths, 2013). This inappropriate way of questioning might transform the function of the question into coercion or intimidation, which is contrary to CI’s non-coercive style. While certain types of question are more useful than others in terms of eliciting accurate and detailed information, it is necessary to be aware of their
function. As Oxburgh et al. (2010, p. 60) explained, ‘the phrasing of a question does not by itself determine its function’ (see also Grant et al., 2016).

The legislation is clear about the use of non-coercive interviewing. As mentioned, it also prohibits the use of leading questions. However, instead of promoting the use of open-ended questions, the legislation and regulations recommend using specific or closed questions. Although the guidelines requiring police officers to use 6WH and 1H questions are not contradictory to the spirit of non-coercion or anti-intimidation (when such questions are used appropriately), the guidelines might be problematic, and may even be legally inadequate, for CI instructions, which mostly require the use of open-ended questions (Fisher & Geiselman, 1992; Shepherd & Griffiths, 2013).

The poor questioning practices of Indonesian police using 6WH and 1H questions were revealed in participants’ comments. This problem is not limited to Indonesia. As observed by Oxburgh et al. (2010, p. 47), it also occurs in Australia, England, Wales, Estonia, Israel, Norway, Sweden, Finland and the USA. Oxburgh and Ost (2011, p. 139) confirmed that ‘poor questioning techniques by interviewers are routine, with interviewers regularly using closed, direct, leading and suggestive questions (sometimes known as inappropriate questions) during interviews’. Closed questions continue to be used due the belief that ‘whoever is asking the questions must remain in control of the interview … Asking mostly closed types of questions puts the interviewer in control and gives the interviewee very little room to explain him or herself’ (Oxburgh & Ost, 2011, p. 140). Unlike open questions, confirmatory questions also provide interviewers with quick responses (Oxburgh & Dando, 2011, p. 140). According to Wright and Powell (2006, p. 322), one of the main barriers to using open-ended questions is due to ‘the unfamiliar nature of the open-ended discourse style’.

To increase the use of open-ended questions by police, most researchers recommend extensive training (see e.g. Oxburgh & Dando, 2011; Oxburgh et al., 2012; Powell, Fisher, Wright, Brewer & Williams, 2005; Wright & Powell, 2006). Powell et al. (2005, p. 67) identified successful training programs that used structured protocols, multiple practice opportunities over extended periods, expert feedback and supervision, and internal trainee motivation to enhance performance. However, such training would only be effective in Indonesia if CI appropriate questioning was explicitly included in the regulations (see also Bator & Vorenberg, 1966; Bazemore & Griffiths, 2003, 2008; Linkins, 2007; Sullivan, Vail & Anderson III, 2008, p. 38)—in particular, the
recommendation or stipulation that open-ended questions be used prior to WH and H questions in eliciting information from witnesses. Statutory rules are not perfect; however, they are a source of power over police officers that can be used to change behaviours (Dixon, 1997; Linkins, 2007; Read & Powell, 2011; Roy, 2006). The regulatory environment and police officers’ skills are key factors in the success or failure of CI in Indonesia. As well as being integral to the life and work of police officers, both are fundamental in achieving justice in society (Oxburgh, Ost, Morris & Cherryman, 2014, p. 259).

Similarities can be seen between Indonesian police investigators and police investigators in Sweden (in 1991), as addressed by quoting Linell & Jönsson, (1991, p. 79): ‘the major objective of the policeman is to provide a written report, which is supposed to sum up the relevant and important aspects of the criminal actions and their background’ (cf. De Keijser et al., 2012 in the Netherlands). The written police report—which is not a feature of CI as currently practiced in the UK (cf. Gibbons, 2003)—is what Indonesian police investigators are oriented to, as stated in Law No. 8 (1981) (Article 117). This was confirmed by participants. Excerpt 6.19 and Excerpt 6.24 in Section 6.2.1.4 participants stated that, since writing police reports is stipulated in the legislation, the justice system might be a barrier to CI. Thus, there is a strong argument for revising the legislation concerning police interviews. This is consistent with current moves towards law reform in police and justice processes in Indonesia (see for example Dixon, 2006b; Leyser, 1954; Pujiyono, 2015; Strang, 2008). Legislation is viewed as one of the key factors underpinning the framework of investigative transformation (Sullivan et al., 2008).

CI requires investigators to elicit accurate and detailed information. If CI were applied to Indonesia’s existing legal framework, including the regulation to produce written reports, would using open-ended questions and 6WH and 1H questions in tandem be considered appropriate? Like written police records in the Netherlands (see De Keijser et al., 2012, p. 625; Ginet & Py, 2001, p. 186 in France), Indonesian police investigation reports are not transcriptions. One of the difficulties with open-ended questions as used in CI is that long elaborative witness responses require considerable concentration on the part of police interviewers; it is sometimes the case that a relevant fact as reported by the witness is not included in the police report (Fisher & Geiselman, 1992, p. 81). Such omissions occur for several reasons, not least of which is the absence of a formula for filtering information into the report (De Keijser et al., 2012). With open questions, investigators are not able to record all of the witnesses information in the report (Fisher & Geiselman,
To keep a handle on witnesses’ testimony, CI investigators are advised to encourage witnesses to slow down their rate of speech, develop a shorthand method of note-taking and use tape recorders (Fisher & Geiselman, 1992). Recording devices assist investigators to concentrate, focus on witnesses’ responses and ask probing questions. From legal and police perspectives, the benefits or recording devices are obvious, as endorsed by Milne and Shaw (1999, p. 134):

From a legal perspective, such an innovation would abolish unjustifiable allegations of witness manipulation (e.g. prompting, use of leading questions, and tailoring) and protect the witness from misplaced allegations of inconsistency, to name just two. ‘Certainty of conviction is a more effective deterrent than severity of punishment. In improving the conviction rate, tape-recording witness interviews will do as much to reduce crime as ratcheting up sentences’ (Wolchover and Heaton-Armstrong, 1997a). From a police perspective, tape-recording witness interviews would enhance the whole investigation process, which in turn would aid the prosecution case.

Recording interviews ensures that a witness’s version of events is maintained and helps to mitigate some of the legal obstacles associated with presenting interview evidence in court (Fisher & Geiselman, 1992; Ord et al., 2014).

Participants endorsed the use of recording devices. Commenting on the practical benefits of recording interviews, participants noted that investigators were less likely to behave inappropriately during investigations and witnesses were less likely to recant their testimonies in court (cf. Dixon, 1997, p. 152; Linkins, 2007; Sullivan, 2010). Further, most participants recognised that CI, as exemplified in the report everything and context reinstatement strategies, requires a legal environment that accommodates, as much as possible, the use of recording devices (audio and/or video) in police interviews. However, audio and video recording falls outside the Indonesian statutory framework and so is not admissible in court (Strang, 2008, p. 200). To be clear, the electronic recording of witness and suspect interviews is not mandatory in Indonesia (Muniroh & Aziz, 2016). In Regulation No. 3 (2014) (Article H5b3), the use of recording devices in investigations is described as important but not mandatory. Due to the evidentiary rules contained in Law No. 8 (1981) (see Article 184 (1)), this regulation might be legally inadequate if CI were implemented in the Indonesian policing context. Currently, only five items of evidence can be considered at trial: witness statements, defence statements, expert reports, documents and circumstantial evidence. The latter will only be considered if it comes from witness and/or defence testimony or documents, such as police reports (Strang, 2008, p. 200).
Police officers’ and researchers’ concerns regarding the quality of information elicited without the use of recording devices is clear in the literature. According to Köhnken et al. (1994), even when police reports are written immediately after the interview has finished, at least one-third of the information reported by the witness is lost. These concerns have led researchers to conduct experiments on the use of audio-recording, as exemplified in Britain following the introduction of audio and video recording of interviews with suspects under the Police and Criminal Evidence Act (PACE) of 1984 (Dixon, 1997; Milne & Shaw, 1999; Rock, 2001).

Recently, the rules of evidence were expanded in Indonesia regarding terrorism, money laundering, corruption, trafficking-in-persons and cybercrime (Strang, 2008, p. 203). Electronic evidence was added to the list of admissible evidence to prove these crimes (see Law No. 11, 2008, which was amended to Law No. 19 of 2016). However, little further progress with regard to revision of the Code of Criminal Procedure has been made. Nonetheless, since Regulation No. 3 (2014) mentions that ‘investigation processes [should be] either audio-recorded or visually-recorded as much as possible’, police investigators have tacit licence to electronically record interviews, even if only to use such recordings for reference purposes or to check the accuracy of written reports (cf. Milne & Shaw, 1999; Rock, 2001).

Alternatively, Indonesian police could adopt De Keijser et al. (2012, p. 627) recommendation to ‘make explicit the “formula” for filtering what is said during an interrogation into the final written record’. This would ensure that the content of the police report was admissible in court and used the words of interviewees, as stipulated in the legislation. The idea of filtering witness information was mentioned by one of the participants of this study in relation to police reports (see Section 6.2.4). The formula for filtering could take the form of a checklist, for example: ‘What type of information is relevant and what is not? What types of questions posed during an interrogation can be collated into a single combined question in the written record and which should be kept separated?’ (De Keijser et al., 2012, p. 627). As discussed, the existing guidelines explicitly outline what counts as relevant information (Oxburgh et al., 2012) by means of 6WH and 1H questions. It is unclear whether these guidelines and the existing formula will be sufficient to ensure that police investigators can produce an equivalent reliable written record using CI. This highlights the need for further research in this area.
To produce reliable police reports based on CI, police interviewers need to accommodate two responsibilities: the legal acceptability of the report and its linguistic realisation (cf. Nakane, 2014, p. 9). To put this another way, police interviewers using CI must merge two orientations during an investigation—the task of eliciting accurate and detailed information (derived from CI) and the task of producing acceptable written reports (according to the existing regulations) (cf. Rock, 2001). To aid in this endeavour, participants recommended adjusting the speed of typing to match witnesses’ speech patterns, although they acknowledged that this might detract from the flow of the interview. A better option would be to train police investigators in the process of writing police records based on CI (see also Rock, 2001).

The discussion has brought to light two main issues and speculative solutions regarding the implementation of CI in the Indonesian policing context. The issues concern the use of open questions and electronic recording during police investigations. The solutions were essentially related to extending the content of existing regulation. The relationship of this result to earlier research in law in policing bears comment. Dixon (1997) showed how PACE affected the practice of detention for questioning in England and Wales. PACE controlled this practice by ‘having custody officers limit the access of investigating officers to suspects and by requiring recordings’ (Dixon, 1997, p. 151). Research on the implementation of PACE revealed police officers’ positive attitudes to tape-recording:

> 91 per cent of interviewed officers reported favourable or very favourable attitudes towards it because of its expected effects in producing unchallengeable evidence and reducing accusations of malpractice (as well as providing an escape from contemporaneous note-taking). (Dixon, 1997, p. 152)

This demonstrates police officers’ compliance to regulations and acceptance of the outcomes of electronic recording (cf. Henry, Chanin, Welsh & Nurge, 2019). More than that, it shows the profound effect of regulating for electronic recordings—fairness of legal procedures, which is crucial for the delivery of justice. Dixon (1997, p. 318) contended that practices, institutions and cultures in policing are determining factors regarding the impact of law (cf. Skolnick, 1993; Valverde & Nikolas, 2017; Walker, 1993). Therefore, although, for example, there are some commonalities between policing in the Netherlands and Indonesia due to their common legal historical background, there are also important differences due to the two countries different cultural and political contexts. The relationship between law and police practices is extremely complex. Contrary to
expectations, the findings from this study do not allow this relationship to be sufficiently explored.

Paraphrasing De Keijser et al. (2012, p. 628), the effort to legally implement CI is the burden that a country with an inquisitorial justice system such as Indonesia has to carry and try to solve. The effort is worth making, as CI has the potential to radically improve the delivery of justice in Indonesia. This will be explored further in Chapter 7 (see Section 7.4). While the legal and regulatory framework of CI is clearly important, there are some aspects relevant to the implementation of CI in Indonesia that are beyond the legal and regulatory framework. These are considered below.

6.3 Findings and Discussions: Beyond the Legal and Regulatory Framework of CI

The previous section discussed the legal viability of CI based on findings from Stage 3, Round 1 (interview) and Round 2 (questionnaire). Analysis of the interview data revealed two main sub-themes on topics beyond the legal and regulatory framework of CI: the usefulness of CI (Section 6.3.1) and the practical implications of CI (Section 6.3.2). These are explored below.

6.3.1 Usefulness of CI

The scope of this sub-theme is limited to participants’ perceptions of cases and witness backgrounds that they viewed as fitting or not fitting with CI. The findings are drawn from participants’ responses to interview question Topic A Number A1 CI Practices. Participants’ perceptions demonstrate their limited understanding of the potential for CI to be used in all kinds of criminal investigations. Having been exposed to two short videos that demonstrated police interviews using CI, participants incorrectly believed that CI worked best with particular crimes and witnesses. For example, one participant stated that street crime needed to be investigated differently from white-collar crime, and that crimes involving rape and sexual assault would particularly benefit from CI (see Excerpt 6.25).

Excerpt 6.25 (Int#14)

Dan kalau untuk interview investigation, kita gak bisa lepas dari culture orang kita juga. Dan kita juga tidak bisa sama-ratakan semua terhadap semua perkara sama, bisa dibuat seperti ini. Saya rasa agak susah. Ada perkara yang sifatnya konservatif, ada perkara yang sifatnya street crime, terus white color crime. Itu beda-beda pendekatannya. Kalo street crime lebih...
banyak orang, ya mohon maaf, orang yang kurang terpelajar, orang yang melakukan kejahatan karena untuk benar-benar kebutuhan faktor perut, untuk cari makan. Sementara yang white color crime, justru itu karena kepintarannya, bagaimana dia bisa mengumpulkan sebanyak mungkin materi. Tentunya kalau kita, kalau misalnya kasus pemerksaan, pelecehan seksual, kita perlu interview investigation.

And for investigative interviewing, we cannot be free from our culture. And we cannot treat all cases the same, not all can use CI. I think it is difficult. There are conservative cases, there are street crimes, white-collar crimes, these should be approached differently. Street crimes mostly involve, I’m sorry to say, uneducated people, because their motivation to commit a crime is due to their need to get food. Meanwhile, white collar crime has to do with people’s intelligence, how they can collect as much as possible. It is certain that in cases like rape, sexual assault, we need investigative interviewing.

Another participant mentioned that CI was ineffective to use in serious crimes due to the time it took to interview witnesses (see Excerpt 6.26).

Excerpt 6.26 (Int#15)

Kita akan periksa hal-hal yang memang eu ... yang berat kan? Kalau semuanya kita pake treatment yang seperti itu, habis waktu kita. Begitu banyak perkara yang misalnya pencurian, orangnya sudah ngaku, segala macem segala macem lalu kita suruh tutup tidur dulu. Nanti mba bisa bayangkan ya di kepolisian itu sangat crowded, crowded sekali.

We examine cases that are serious er … don’t we? If we use CI for all cases like these, we will run out of time. There are a lot of cases, for example, robbery, the perpetrator has confessed and so on and so forth, then we ask them to close their eyes. Later you can imagine please, the police station will be very, very crowded.

CI was perceived as being useful in investigating crimes that were difficult to prove or for which documentary evidence did not exist. One participant contended that, while CI could not assist people to recall dates, it was effective to use in murder cases (see Excerpt 6.27).

Excerpt 6.27 (Int#09)

Tapi kalau kasus yang by document semua buka bongkar dokumen. Mau diingat seperti apa pun, saya yakin tanggal dan waktu dia pasti akan lupa, karena ada di dalam dokumen, ‘pembayarannya berapa kali, pak?’ Waktu itu dia mau ingat tanggal 26 Juni 2012 tanggal 13 itu ga akan mungkin. Nah itu harus dibuka dengan dokumen, karena itu udah dalam
Another area revealing participants’ lack of knowledge about CI concerned their perception of appropriate witness backgrounds for CI. It was felt that CI was not appropriate for all witnesses (see Excerpt 6.28) and that it worked best with well-educated witnesses (see Excerpt 6.25).

Excerpt 6.28 (Int#22)


If you use this technique to all witnesses, Dian, it will not be effective. This technique can apply to particular people. There are certain groups of people that need in quotes ‘pressure’. There also other groups of people who can provide information when feeling comfortable.

In contrast, other participants felt that CI was effective to use with witnesses of any background (see Excerpt 6.29).

Excerpt 6.29 (Int#23)

Artinya tidak harus dia pinter, sekolahnya tinggi untuk jadi saksi. Orang kampung yang polos pun yang ga sekolah pun, nah itu tadi ... kalau dia dengan kerelaan dengan hati yang, apa yang ... yang senanglah tidak tertekan tidak apa. Dia akan bercerita sesuai dengan ingatan tadi ya. Ini kita bicara manusia secara umum ya.

It means that it is not necessary to be smart, to have high education to be a witness. Villagers who are simple and have not gone to school, that is … if he is sincere and happy … not
Participants’ perceptions regarding the usefulness (or not) of CI demonstrated their knowledge gap about the potential for CI to be used in all kinds of criminal investigations.

6.3.2 Practical Implications of CI

Another common thread that emerged through analysis of participants’ responses in Round 1 (interview) concerned the practical implications of CI, in particular, the practical advice that should be given to practitioners in the field. This advice related to laws, regulations, human resources, logistics and actions. The findings were drawn from participants’ responses to interview question Topic B Impact of CI. In relation to laws and regulations, participants commented that rules and guidance on the implementation of CI would have to be provided by the Indonesian National Police (see Excerpt 6.30 and Excerpt 6.31), and that the Code of Criminal Procedure would have to be revised (see Excerpt 6.32).

**Excerpt 6.30 (Int#14)**


It is true that we need a process and socialisation. And if we can have both, we will be like this in the future. It must be. In response to this, we have to prepare tools, and then human resources. Tools, in this regard, mean software namely in the form of laws, in the form of regulations.

**Excerpt 6.31 (Int#13)**

*Itu kan nanti harus, dari Polri juga harus sudah ada, ini eu ... pedoman yang jelas dari Kapolri, bahwa kita mau pake metode investigasi begini. Ya, karena sampai saat ini sebenarnya back mind-nya para ... para penyidik itu adalah interogasi.*

That requires, from the Indonesian National Police (INP) there must be, this er … clear guidelines from the Chief of INP, that we must use such a method of investigation. Yes, because interrogation is still in investigators’ mind.
Excerpt 6.32 (Int#13)

Mendatang nanti mungkin dengan KUHAP yang baru mungkin akan lebih ... Katanya kan sekarang sedang ada, eu ... draf KUHAP yang baru. Nah sejauh mana metode investigasi interviu juga ini di-adopt, di dalam KUHAP kita? Apakah di-KUHAP kita diatur bagaimana caranya penyidik itu harus memberikan, melakukan investigasi? Karena setahu saya, sebetulnya sudah ada metode interviu, sudah ada di undang-undang kita.

In the future, perhaps with a new Code of Criminal Procedure, it will be compatible … People said that there is, er … a new draft of the Code. So how likely is it that this investigation technique will be adopted in our Code? Does the Code regulate how the investigator does the investigation? Because to my best knowledge, there has been an interviewing method, in the Code.

Participants commented on the need to prepare police investigators for the implementation of CI. Police institutions were expected to train investigators in CI and to balance the ratio between the number of cases and personnel. Some participants mentioned the possibility training specialist investigators (see Excerpts 6.33, 6.34 and 6.35). Int#12 (Excerpt 6.33) stated that training delivery could assist investigators in understanding the context and practices of CI.

Excerpt 6.33 (Int#12)


Now, in the context of human resources, first, the investigators should be trained. It will not be too difficult, since their profession has been investigators. We only need to teach them procedures of questioning, that is it. We should teach the context of questioning as well as how to explore information. We have to change some of their practices because they have only been using interrogation.

In Int#14’s view (Excerpt 6.34), the current ratio between the volume of case-handling and the number of investigators was not ideal, and this affected the performance of the investigators.
Excerpt 6.34 (Int#14)

Nah, di police sendiri masih, di reserse sendiri masih seperti itu, antara volume perkara dengan jumlah penyidik itu masih belum ideal, sehingga terkadang penyidik suka terburu-buru, terburu-buru di dalam memeriksa seseorang, karena ditarget misalnya harus selesai.

Thus, in the police station, in the criminal investigation unit, we can still see that the ratio between the volume of case-handling and the number of investigators is not yet ideal. As the result, the investigator sometimes interviews a witness in a sort of hurried way, because his goal is he has to complete all of them.

Int#23 (Excerpt 6.35) commented on the need for more specialist investigators.

Excerpt 6.35 (Int#23)


Additionally, I think in the future, there must be specialist investigators. You know … there are many investigators who are placed in the Protection Unit for Women and Children. These investigators then are moved to the Regional Police, after that they are tasked with handling demonstrations, then are moved to Samapta Bhayangkara to do preventive work. So, it is hard to be a specialist. If they become specialist investigators, efforts to specialise their competence will be easier.

Another important recommendation was to devise better education and training for potential police officers. Int#24 suggested that, to improve the quality of police investigators, education in schools needed to be revised.

Excerpt 6.36 (Int#24)

Jadi kalo ngomongin sumber daya manusianya, ya harus dilakukan. Kalo gitu kurikulum di sekolah-sekolah polisi, itu harus diperbaiki.

So if we talk about the human resources, then we have to make improvements. If that is so, the education curriculum in schools for future police officers must be revised.

Int#13 mentioned the importance of logistics and infrastructure for assisting witnesses to concentrate on recalling memories of the crime event (Excerpt 6.37).
The second is on matters related to logistical supports, infrastructures. To conduct the investigative interview like that, witnesses are made to feel as comfortable as possible. Investigators and witnesses can talk face-to-face. A recording facility, audio-video recording, is provided. AC is provided to make them comfortable, only the two of them without a noise, so when the witness is recalling his memory, he is guided to remember the past event. Just imagine in the middle of the recalling task, if the police station is located near Gambir Station … then the train passes by and their concentration is lost … so, things regarding infrastructures are a challenge.

People’s readiness to accept CI (i.e. as ‘a variable of society’) was also regarded by participants as important for the successful implementation of CI. Int#13 (Excerpt 6.38) felt that society was not ready to accept the changes that CI would bring to police investigation.

**Excerpt 6.38 (Int#13)**

*Itu ... tapi itu juga manner ya, faktor dari masyarakat juga, karena masyarakatnya sendiri juga belum siap, gitu. Kalau dipanggil polisi nanti gua diginiin, gua diginiin, gitu. Tapi itu faktor lain karena, ya ... ttulah yang pernah diceritakan Novanto kan? Kayak kemarin itu, keterangannya sama, kan gitu kan? Berarti masyarakat juga harus dididik, bukan dididik, akan terdidiklah dengan sendirinya, oh ternyata kalau dipanggil polisi tuh nanti begini, begini, begini.*

That … but that is also related to manner, right, a variable of society too, because society might not be ready, like that. When I’m summoned by the police, they will treat me like this, like that. But that is another factor … mentioned by Novanto, isn’t it? Like in the past, the information was similar, wasn’t it? Which means that it is necessary to educate the society, although over time, they’ll get more exposure then they’ll understand and they will say that if the police asked you to come, they will ask you this, this, this.
As shown in the findings, participants recommended several actions that might facilitate the implementation of CI in Indonesian policing contexts. These included changes to legislation, developing the performance of police investigators via training, schooling and policy-making, improving infrastructures and educating society. These recommendations are discussed below.

6.3.3 Discussion: Beyond the Legal and Regulatory Framework of CI

Most participants understood the usefulness of CI, even if they also questioned its applicability in the real world. As seen, CI was identified as having some problems and facing some challenges. This section provides discussion and interpretation of the findings from a non-legal perspective. Even if CI is deemed to be of limited use in terms of its application in Indonesia, this section argues that CI can be a foundation for developing investigative interviewing practices that fit any type of event and population. Indeed, the modification or streamlining of CI to suit any interview situation might be necessary to advance its usefulness and utility for improving justice outcomes.

Most participants viewed CI as only suitable for some types of crime. This view was informed by participants’ knowledge of current interviewing practices and exposure to a short video on CI. It is challenged by the results of two meta-analyses (Kühnken et al., 1999; Memon, Meissner & Fraser, 2010) that show that CI works with all types of crimes. Different types of crimes call for different types of information or evidence to uncover the offence and its circumstances (Brunel & Py, 2013; Lokanan, 2018), as Lokanan (2018, p. 8) explained:

In street crimes, witnesses are most commonly asked about their recollection of events: for example, ‘Can you describe the person who robbed the bank’, or ‘what colour was the suspect’s car?’ Financial interviews, however, are concerned with recollecting details of financial transactions: the movement of money, the financial position of identified parties regarding their assets, liabilities, and cash flows (Mullen et al., 2010; Rezaee, 2005; Rezaee and Riley, 2010), and with the financial affairs of people and organizations (Ashforth and Anand, 2003; Murphy and Dacin, 2011; Price and Norris, 2009).

With its proven ability to improve peoples’ information recall, CI is considered appropriate to use in investigating both street and financial crimes (Lokanan, 2018). Another example, this time concerning CI’s applicability in rape cases, is provided by Westera et al. (2011) (cf. Westera, Kebbell & Milne, 2013; Westera et al., 2017). In rape cases, there is often little or no evidence apart from the accounts provided by the
complainant and suspect. One way to improve the quality of the investigation is to use video-recorded CI interviews. As Westera et al. (2011, p. 918) explained, this is because CI is able to elicit ‘an average of 41% more correct details’, and because video can be used as ‘evidence in chief during criminal proceedings.

The evidence regarding street and financial crime and rape cases suggests that CI can be used for investigating any type of crime and can be modified to fit any type of interview situation (for modified CI, see e.g. Colomb et al., 2013; Dando, Wilcock, Milne & Henry, 2009; Dando, Wilcock, Behnkle & Milne, 2011; Fisher et al., 2000; Hope, Gabbert & Fisher, 2011; Verkampt & Ginet, 2010). Further applications of CI are shown in Brunel and Py (2013) research on domestic violence and work harassment, which demonstrated CI’s effectiveness in investigating such crimes. Participants’ assumptions regarding CI’s limited usefulness indicate their own lack of knowledge about CI, which in turn indicates the need for further education on CI, especially in relation to its effectiveness across all types of crime.

The view that CI only works with educated witnesses, as expressed by several participants, can also be challenged. Previous research shows that CI works with witnesses of all age types and intellectual abilities (Brunel & Py, 2013; Holliday, 2003; Holliday & Albon, 2004; Holliday et al., 2012; Milne et al., 1999; Wright & Holliday, 2005, 2007b). Research by Stein and Memon (2006), which demonstrated CI’s effectiveness in a developing country, counters the argument that CI is only effective with witnesses from developed countries with good educational backgrounds. Participants’ assumptions regarding witnesses’ backgrounds indicates a further gap in their knowledge about CI that should be formally addressed via training. How to deliver this training is a topic that requires additional research.

It is evident that the lack of knowledge about CI needs to be addressed in any plan to implement CI. The findings also show that other non-legal factors, such as human resources and logistics, are important for creating a supportive environment for CI (the need to improve the legal and regulatory framework to facilitate CI’s implementation was discussed in Section 6.2.2). These non-legal factors are influenced by cost-benefit and other efficiency-type considerations. The ‘value for money’ perspective—that is, ‘expecting to obtain a large amount of information while spending minimal time’ (Brunel et al., 2013, p. 848)—has been influential in determining how investigators and others view CI.
Despite its ability to elicit large amounts of quality information, CI is often described as being too time consuming (Brunel & Py, 2013; Milne & Bull, 1999; Milne et al., 2011). Therefore, it is worth considering ways of refining CI so that it takes less time to conduct—for example, by choosing the most effective and useful CI strategies, such as context reinstatement and report everything (Milne & Bull, 1999). According to Kebbell et al. (1999), when used in combination, these popular CI strategies have proved to be very effective. Other strategies, such as change order and change perspectives, are considered less effective and tend to be less frequently used (Dando et al., 2008). Engaging police interviewers with this kind of academic research on CI is, therefore, critical to the improvement of their practices.

Recently, the Norwegian Centre for Human Rights sought to develop a team of experts on investigative interviewing in Indonesia (K. Asplund, personal communication, July 4, 2018). This initiative is critical to the development of CI in Indonesian policing contexts. Building a learning and training community may address the lack of police experts in investigative interviewing, which continues to exist despite the fact that training on investigative interviewing, including CI, has been delivered in Indonesia since 2014. It is expected that, as the police institution gains in credibility, and as police interviews become more just and fair, so the justice outcomes will be improved.

6.4 Conclusion

This chapter has discussed the findings from Stage 3 to answer sub-question 3 regarding the legal viability of CI in the Indonesian policing context. It described the challenges of implementing CI due to legal and non-legal factors. The findings were organised into two main themes: the legal and regulatory framework of CI, and beyond the legal and regulatory framework CI. The themes were drawn from two types of data: interviews (Round 1) and questionnaires (Round 2).

In relation to the legal and regulatory framework of CI, this chapter examined four areas of statutory law relevant to police interviews: witnesses’ rights, police conduct, interview recording and police reports. The results showed that existing legislation and regulations provide a sufficient legal environment for CI to be implemented in the Indonesian policing context, especially regarding witnesses’ rights. Although the existing regulations recommend the use of 6WH and 1H questions in police questioning, open questions can be used as the primary type of questions. Similarly, although the production of a police
investigation report is compulsory, there is scope for recording interviews electronically for investigative (not evidential) purposes. However, to be effective and sustainable, CI needs a supportive legal framework. Therefore, amending the relevant legislation and regulations was seen as more important than modifying CI, although this was also viewed as important.

Beyond the Delphi goals, this chapter uncovered interesting findings regarding the complexity of implementing CI in Indonesia due to non-legal factors, such as human resources, logistics and society’s readiness to accept a new style of police interviewing. These factors are important for creating a supportive environment for CI’s implementation. Lack of knowledge about CI’s applicability for all types of crimes and witnesses’ can be addressed by formally introducing CI to Indonesian police via training. The lack of infrastructures can be addressed by modifying CI to fit various interview situations. As for society’s readiness, emphasising the benefits of CI in terms of increased police credibility might help.

Regardless the range of legal and non-legal challenges in implementing CI in the Indonesian policing context, CI can still be used as a foundation for developing investigative interviewing practices in Indonesia that will improve justice outcomes. Whether the legal and regulatory framework is revised to accommodate CI or CI is modified to fit the existing legal environment, the most important issue is that justice outcomes be improved. The whole point of CI is that not only is it more legally reliable than existing interviewing practices, but also more just and fair. Nevertheless, the many challenges highlighted in this chapter suggest that, if CI is to be implemented in police interviewing practices in Indonesia, a systemic change will be needed—not only in the domain of legislation but also in the thinking of individual officers, agencies and the whole community (cf. Bazemore & Griffiths, 2003, 2008). The results of this chapter together with those of Chapters 4 and 5 are brought together and discussed in Chapter 7 to answer the main question of this thesis: ‘how well can CI work in the Indonesian policing context?’
Chapter 7: A Suitable Environment for Adapting CI in the Indonesian Policing Context

7.1 Introduction

This chapter finalises the discussion about how well the cognitive interview (CI) technique can work in the Indonesian policing context. Bringing together the key findings of Chapters 4–6, it sets out a suitable environment for adapting English CI into Indonesian policing contexts, especially for use in general crime investigation involving adult witnesses. It highlights the tasks that need to be addressed to reduce the gap between police officers’ existing interview practices and CI, increase police officers’ awareness of language and improve the legal framework of CI. It specifies the types of changes that will need to take place in Indonesian police interviewing discourse when adapting CI and points out the ways in which this study might be of use to other countries experiencing similar problems as Indonesia. The discussion draws on the three areas of literature reviewed in Chapter 2, namely psychology, linguistics and law.

Indonesian police interviewing discourse has a unique environment of practices that are largely inconsistent with CI (cf. Heritage & Clayman, 2011). However, despite the gaps that exist between the Indonesian police interviewing discourse and CI, this chapter argues that CI could work well in Indonesia because of police investigators’ positive attitude towards their present interviewing practices as well as CI. The Indonesian police institution views itself as having a humane style of interviewing; this view positively overlaps with the spirit of CI and is crucial to bridging the gap between existing interviewing practices and CI. There are three tasks that need to be addressed: 1) operationalising CI in appropriate wordings, 2) legally supporting CI through regulations and 3) introducing CI via training. To establish a suitable environment for CI, the discourse of police interviewing in Indonesia needs to maintain its overlapping values and fill in the gaps. Sections 7.2, 7.3 and 7.4 address the changes that need made to the discourse of police interviewing in Indonesia in different environments. The need for specialised training is reinforced in Section 7.5 and concluding remarks are offered in Section 7.6.
7.2 Interviewing Practices: Humaneness, Standard Interviewing and Domination

This section is related to the findings of sub-question 1 as presented in Chapter 4. The chapter revealed that Indonesian police officers perceive their existing interview practices positively, describing them as humane and emphasising their ability to encourage witnesses to provide information to fulfil the goals of the interview. The chapter showed the existence of many similar practices of interviewing in Indonesia, most of which were known by different names. It also showed a degree of mismatch between what participants perceived as good witness interviews and their actual interview practices. These findings, which serve to justify the introduction of CI in Indonesia, foreshadowed the need to investigate the appropriate language and legal viability of CI in Indonesia (see Sections 7.3 and 7.4, respectively). The following discussion addresses changing standard interviewing (SI) practices, which can include domination, to bring them in line with humaneness-based practices. It details how to implement these changes, which are necessary because the existing techniques are not in perfect accord with CI.

Analysis of the Stage 1 interview transcripts and questionnaires (see Chapter 4) suggested that, overall, the existing practices of Indonesian investigators can be understood as a unique hybrid form of interviewing. Participants claimed to practice a humane style of interviewing, yet the interview data revealed features of SI and domination (as opposed to participation).

A humane style of interviewing implies that ‘participants are respectful and treat each other as equal human beings with the same rights of dignity, determination, and free choice. It also emphasises empathy’ (Holmberg & Christianson, 2002, p. 32). Evidence of this style of interviewing was seen in police officers’ attendance to witnesses’ needs (e.g. the need to eat, to drink etc.) and minimum levels of comfort (i.e. access to facilities) during the investigation, asking intelligible questions, building rapport and showing empathy. This style of interviewing is commonly practiced in CI (cf. Madsen, 2010, p. 16).

However, in SI closed questions are used more frequently than open questions and it also has an interviewer-led focus. In other words, it has less retrieval supports than CI (Krix, Sauerland, Gabbert & Hope, 2014, p. 1014). As a consequence, interviewees have less space to provide long answers or narration (Clifford & George, 1996). Numerous studies
have tested the effectiveness of CI versus SI and have demonstrated that CI elicits more correct information than SI. Further, CI’s effectiveness has been tested, and proved, with different populations and in different contexts (Aldridge, 1999; Aschermann et al., 1991; Fisher & Geiselman, 2010; Fisher et al., 1989; Geiselman et al., 1984; Geiselman, Fisher, MacKinnon & Holland, 1986; Köhnken et al., 1995; Milne & Bull, 2003). Consequently, the continued use of SI not only reduces the effect of humane interviewing, but is also counterproductive.

Based on participants’ responses, police interviews were understood as normatively oriented to obtain evidence that would lead to a successful conclusion of the investigation (Gibbons, 2003, p. 96). The institutional interaction was mostly directed towards fulfilling this outcome. It was reported that police interviewers looked for confirmation of their version of events rather than eliciting witnesses’ version of events (Shepherd & Griffiths, 2013, p. 13); used interrogation, pressure and persuasion; confronted witnesses’ about their accounts; and tried to trap interviewees with questions. These practices were confirmed in police officers’ preference for short answers and use of probing questions (6WH and 1H) rather than open-ended questions. Needless to say, these practices and techniques of SI, which are also associated with domination, are not in line with humane interviewing, let alone CI (see Madsen, 2010). Therefore, although police officers described their interviewing styles as humane, their words did not match their actions. In positioning witnesses as inferior to police interviewers, they failed to operationalise their beliefs. Paradoxically, police participants appeared entirely unaware of the extent to which they used coercive investigative practices and domination in the name of humaneness.

This unique situation—aspects of humane interviewing combined with SI and domination—is related to the history of paramilitary policing in Indonesia in which coercion was used to assist police officers in their work (Meliala, 2001b). This history continues to influence police officers’ beliefs and practices. Their exposure to a paramilitary style of interviewing (as opposed to an evidence-based technique) undoubtedly helps to explain their wrongheadedness in terms of their execution of their professional beliefs.

As described in Chapter 2, the spirit of CI is humaneness. The discourse of CI is concerned with encouraging witnesses’ participation. It expects the focus of the interview to be on the witness, not the police officer (Bhatia & Bhatia, 2011; Fisher & Geiselman,
1992; Shuy, 1998), and is designed to elicit the maximum amount of relevant information from witnesses. Unlike SI, CI uses open-ended questions because they encourage longer, more detailed responses, and are less likely to influence memory.

Importantly, the perception of a humane style of interviewing, and positive view of this, suggests that CI will be embraced in Indonesia. To put this another way, since Indonesian police interviewing practices already endorse humaneness, transferring this endorsement to CI should not be too difficult. The police institution’s support for humane interviewing can be viewed as a bridge between CI and the existing interviewing technique; it is where CI and the existing technique intersects (although reliance on the Indonesian police force’s current understanding of the humane style is not recommended). This is illustrated in Figure 7.1. CI’s humaneness and participation style operates differently from existing practices, relying on a set of discursive or levelling systems (cf. Bhatia, 2012; Martin, 1992) that range from the psycho-socio processes underlying witness interviewing to linguistic choices or instruction wordings. The psycho-socio processes consist of the interviewee and interviewer’s cognitive processes and include the social dynamics and communication between the interviewee and interviewer. Linguistic choices are also important; English CI uses specific wordings to retrieve information from witnesses’ memory, but different wordings are needed in different cultural contexts (see Section 7.3).
Figure 7.1 shows the meta-discourse of CI and the existing police interview style in Indonesia, with points of overlap lying in the humane style of interviewing. Being central to both CI and the existing police interview style in Indonesia, the figure suggests that the humane style can be used as shared common ground when delivering CI training (cf. Abbe & Brandon, 2013, 2014). The gap lies in the concept of ‘participation’. To eliminate SI and domination in Indonesian police interviewing practices, the figure suggests that participation be introduced to Indonesian police officers via CI training. The aim should be to improve police officers’ knowledge and understanding of memory and skills in communication and language use (Fisher et al., 1989; Milne & Bull, 1999), thereby operationalising the humane value inherent in CI’s discursive systems and linguistics or communication framework. This reinforces the importance of supporting the existing discourse of humane interviewing based on intuition with a framework based on cognitive psychology and linguistics. As Figure 7.1 illustrates, CI humane interviewing is framed under a different legal basis from Indonesian police interviewing. This refers to the legal environment of police interviewing and legal standards of information elicited via CI in a court of law (see Section 7.4).

The Norwegian Police University College (Politihøgskolen or PHS) and the Norwegian Centre for Human Rights (NCHR) began delivering CI training to the Indonesian police
in 2014. The training addressed memory functions and processes, eyewitness psychology, CI strategies and instructions. The materials associated with this training should be retained; however, as the training was delivered in English, it needs to be recontextualised in Indonesian. This is because language gaps strongly influence understanding. Interviewing is a core skill in policing and the language police officers use influences interviewees’ understanding of CI instructions. As discussed in Chapter 2 and Chapter 5, CI uses specific wordings to access memory and research has confirmed the difficulty of transferring these wordings into another language (e.g. Lai, 2016). As the PHS and NCHR training was delivered in English, Indonesian police officers had to find suitable instruction wordings in Indonesian by themselves. Most used guesswork or ad hoc translations; however, as this study clearly shows, the accurate translation of CI wordings is highly technical. Therefore, including issues of language and communication norms in CI training is an important step towards a more comprehensive training approach.

CI training seeks to reduce disparities in discourse and language use. In this way, it has the ability to change existing discursive practices from SI and domination towards participation. However, its success in this regard will depend on whether there is a consistent approach to interviewer training, effective feedback and supervision of the interviews, multiple practice opportunities and internal trainee motivation to enhance performance (Clarke, Milne & Bull, 2011; Powell et al., 2005). Previous research has shown that when training was not successful, inappropriate interviewing skills were still used by police interviewers. Research has also shown that CI training requires police officers to abandon their poor interviewing habits, which can be difficult to accomplish (Milne & Bull, 1999, p. 168).

It is surprising that, despite not being aware of implementing coercive practices, participants were cognisant of the multilingualism of Indonesian witnesses and the need to demonstrate politeness. Language disparities may cause problems for police interviewers in achieving successful results using CI, as the technique was developed for use in countries with different cultural and linguistic contexts. This is elaborated in the following section.
7.3 Appropriate Language: Complexity of Formality, Features of Normalspeak and CI’s Policing Implications

The previous section proposed that the discourse of Indonesia’s existing interview practices is not in line with the discourse of CI in relation to encouraging witnesses’ active participation in interviews. To address this gap, CI training in the Indonesian language is the best option. This section presents a proposed language model for CI in Indonesian based on the results of the research presented in Chapter 5. The proposed language model can be used in conjunction with the training proposed in the previous section.

The Stage 2 Delphi comprised four questionnaires distributed among 26 expert participants. The iterative data collection process produced results that showed participants’ collective choices regarding CI instruction wordings across six CI strategies: building rapport, focused retrieval, context reinstatement, report everything, change order and change perspectives. Participants tended to choose terms and phrases that represented the discourses of formality and normalspeak. The complex discourse of formality is characterised by respectfulness, professionalism and warmth. Although respectfulness is also independent from formality, together with warmth, it suggests politeness, whereas professionalism echoes power or authority. When conducting interviews with CI, respectfulness is operationalised using deference references, for example, Bapak/Ibu ‘Sir/Madam’. Warmth is expressed through discourse particles such as nah ‘well/so’ and ya ‘yes’, which are markers of friendliness. Linguistically, professionalism is marked by standard Indonesian via the use of transitive verbs (suffix –kan, –i or no suffix), prepositions, different lexicons and unreduced forms (Djenar & Ewing, 2015; Ewing, 2005; Sneddon, 2003a). Professionalism is conducive to reproducing formality and formality is the key ingredient for a successful organisation (Pfyl, 2009).

The discourse of normalspeak refers to the use of short instructions and contextual choices of wordings (standard Indonesian as a basis).Normalspeak avoids the communication problems inherent in the use of legal or police jargon.

Another important finding arising from the Stage 2 Delphi related to the implications of CI for policing in Indonesia. Although participants expressed concerns about several aspects of CI, these were mainly due to their own lack of familiarity with memory formation and perception that certain CI strategies were contrary to existing norms and practices of police interviewing in Indonesia. While the linguistic features of formality
and normalspeak were found across all six CI strategies, concerns about the policing implications of CI were found to be strategy specific (see Section 5.3). The three qualities of formality, normalspeak and policing implications combine to make a unique environment for the implementation of CI.

Chapter 5 showed that the process of identifying appropriate CI instruction wordings in Indonesian was far from straightforward; it certainly did not involve guesswork or any ad hoc translations from English into Indonesian. Translating non-diglossic English CI instruction wordings to a diglossic language like Indonesian for use in the Indonesian policing context was extremely difficult, as it involved the complex business of formality, use of normalspeak and consideration of policing implications (cf. Turner & Wong, 2010). To be clear, direct translation cannot be used to find the best version of CI; instead, as this study showed, what is required is an adaptation based on consensus agreement among a panel of experts (cf. Sumathipala & Murray, 2000).

Table 7.1 can be used as a guide to formulate a model of Indonesian CI instructions. It is important to note that individual CI strategies or instructions might not stand in isolation. One CI instruction might come with another instruction (e.g. report everything in context reinstatement). As highlighted in Chapter 3 and Chapter 5, this model was established via reliable processes of expert consensus opinions using both quantitative and qualitative measurements and the formula to establish a model has been corroborated with relevant studies in the field.

### Table 7.1 Summary of the Instruction Models for Each Cognitive Interview Strategy in Indonesian

<table>
<thead>
<tr>
<th>No.</th>
<th>CI Strategies</th>
<th>Linguistic Elements</th>
</tr>
</thead>
</table>
| 1.  | Building rapport | - Showing empathy towards a witness’s feelings  
- Transferring control from the police to a witness |

The instruction model:


| 2.  | Focused retrieval | - Recognising a witness’s difficulty in retrieving memory  
- Mentioning the important role of a witness  
- Stating the interviewer’s expectation |
<table>
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<tr>
<th>No.</th>
<th>CI Strategies</th>
<th>Linguistic Elements</th>
</tr>
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<tbody>
<tr>
<td></td>
<td></td>
<td>- Requesting a witness to concentrate hard to remember the incident</td>
</tr>
</tbody>
</table>

**The instruction model:**

*Saya memahami bagaimana* sulitnya mengingat kejadian secara terperinci. Karena Bapak mengetahui persis apa yang terjadi saat itu, jadi saya berharap Bapak banyak bercerita ya di sini. Semua informasi akan kejadian itu Bapak ingat-ingat dengan cara memusatkan pikiran Bapak sepenuhnya pada kejadian itu. Usahakan ingat-ingat semampu Bapak, ya Pak silakan. ii

### 3. Report everything

**Asking a witness to:**
- tell the incident truthfully
- tell it in detail
- tell all what he/she knows without editing
- tell in his/her own time and pace

**The instruction model:**


### 4. Context reinstatement

- Requesting a witness to concentrate fully to retrieve memory
- Using questions as a guide for the witness to place him/herself in the past context including place, position and perception (thinking, feeling, sensing)

**The instruction model:**


Ceritakan semuanya ya dengan lengkap. iv

### 5. Change order

- Encouraging a witness to use an alternative way to retrieve memory and explaining its benefit
- Requesting a witness to tell the incident in a reversed order
- Using questions as a guide for the witness to tell the incident in a reversed order

**The instruction model:**

*Bapak* tadi sudah menceritakan peristiwa perampokan. Sekarang, mari kita *gunakan* cara lain yang mudah-mudahan dapat membantu Bapak mengingat lebih banyak hal terkait peristiwa itu. Sekarang *Bapak ceritakan lagi* ya kejadian itu tapi mulai dari belakang. Mari kita runut pelan-pelan. Baik, ceritakan apa yang Bapak ingat terjadi paling terakhir? (jeda, saksi bercerita dengan leluasa)
<table>
<thead>
<tr>
<th>No.</th>
<th>CI Strategies</th>
<th>Linguistic Elements</th>
</tr>
</thead>
</table>
| 6.  | Change perspectives | - Encouraging a witness to use an alternative way to retrieve memory and explaining its benefit  
|     |               | - Explaining how to change his/her perspective  
|     |               | - Asking the witness to imagine being in the position of another person, then asking them think about what that person might perceive (see, hear, smell) from that position |
|     |               | The instruction model: |
|     |               | Bapak tadi sudah menceritakan apa yang Bapak ketahui tentang perampokan. Untuk membantu Bapak lebih mengingat-ingat kejadian itu, sekarang Bapak gunakan sudut pandang orang lain untuk melihat kejadian itu, bisa orang yang berada di toko saat perampokan terjadi. Misalnya, kasir toko. Nah bayangkan Bapak berdiri di posisi si kasir ya dan pikirkan apa yang mungkin si kasir lihat dari posisi itu. |

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1. Building rapport – backtranslation: You may become worried again remembering the incident, but right now it will not be as worrying as before. You’re now calmer. Well during the investigation, if you feel tired, just tell me. That’s okay. We will stop the investigation for a while, so you can have a rest. Whenever you want to stop, just say it. You are in control.

2. Focused retrieval – backtranslation: I know how difficult it is to remember the incident in detail. Because you know exactly what happened at that time, so we hope you can cooperate and have much to tell here. You can remember all information about the incident by focusing your mind completely on the incident. Try to remember as much as you can, please.

3. Report everything – backtranslation: You witnessed the incident last night. Try to tell anything that you remember from it, anything as best as you can remember. Any slightest information that is important must be told. Tell me everything that’s on your mind, freely without hurry. Go on please.

4. Context reinstatement – backtranslation: You were at the scene of the robbery last night. Now focus all your mind to remember the incident. Began to recall the place (pause). Well, remember where were you standing at that time (pause). What were you thinking at that time? (Pause). What did you feel? (Pause) and how was the room like to you? (Pause) Tell everything in detail.

5. Change order – backtranslation: You have told about the robbery. This time we use another way that hopefully can help you remember more things related to that incident. Now you tell me again about the event but in reverse order. Let us trace slowly. Well, tell me the last thing that happened that you remember? (Pause, the witness recalled freely) What happened before that? (Pause, the witness recalled freely)

6. Change perspective – backtranslation: You have told me what you know about the robbery. To help you better remember the robber, now you use someone else’s perspective in seeing the incident. You put yourself in the position of a person who is in the minimarket and saw the robber, for example the minimarket cashier. If you were standing in the position of the cashier, well think about what you might see from the robber

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The following sub-sections elaborate each instruction respectively. To avoid unnecessary repetition, only the first sub-section (7.3.1) presents a detailed explanation about the linguistic markers of formality (i.e. respectfulness, professionalism and warmth). The remaining sub-sections refer to these markers in general.
7.3.1 The Instruction Model for Building Rapport

To recap, building rapport is an attempt to establish a friendly and comfortable environment (Vallano & Compo, 2011; Vallano, Evans, Compo & Kieckhaefer, 2015) for the purpose of getting to know the witness, clarifying expectations and generally putting the witness at ease (Memon, 2006, p. 535). Transfer of control is an important component of rapport building. It occurs ‘by making it clear to interviewees that they are the ones in control because they are the ones having to work at remembering’ (Memon, 2006, p. 535). The instruction model for building rapport based on the formulae for appropriate language for CI in Indonesian (hereafter “linguistic formulae”) is described below.

The respectfulness dimension of formality is represented in the use of Bapak ‘Sir’ to suggest that the interviewer respects the interviewee regarding their age. Bapak ‘Sir’ was chosen because the target witness was an adult male. Other person reference terms such as Mas ‘Older Brother’ (Javanese), Mba ‘Older Sister’ (Javanese), Akang/Kang ‘Older Brother’ (Sundanese) and Teteh/Teh ‘Older Sister’ (Sundanese) could also be used in an interview setting to express deference to witnesses in this age group. The choice depends on how the interviewee is likely to be addressed in their daily encounters (Shepherd & Griffiths, 2013) or local habits of speech (Errington, 2014). In this regard, Sundanese (West Java) and Javanese ethnic language could also be used as a way of building rapport (Djenar et al., 2018). Other person pronouns such as kamu ‘informal you’, saudara ‘metaphorical brother/sister and anda ‘distant you’ are not recommended because they were considered inappropriate to address adult male witnesses by the Stage 2 Delphi participants.

The dimension of professionalism is shown in the use of standard Indonesian as exemplified in the use of suffix –kan in the base word henti ‘stop’ as in hentikan ‘to stop’, and in the choice of different lexicons as in saja ‘just’ instead of aja ‘just’ and ingin ‘want’ instead of pengen ‘want’. Warmth is shown by the insertion of the discourse particles nah ‘well/so’ and ya ‘yes’. These not only function as markers of friendliness but also as downtoners to soften the directives. This is a way to express politeness.

As the proposed instruction does not contain any legal or police jargon, it can be regarded as using normalspeak. With regard to the implications for policing, the expression Bapak atur ya ‘you are in control’ might be problematic, is it implies the transference of control from the police interviewer to the interviewee (Brunel & Py, 2013; Clarke et al., 2013).
Stage 2 Delphi participants considered the transfer of control element of building rapport to be an issue, as it was regarded as being contrary to existing practices in which police officers always control the interview. However, as participation is an element of the discourse of CI that will be transferred via training, this issue will likely be resolved. Additionally, the explicit expression *Bapak atur ya* ‘you are in control’ could be substituted with other forms of participation-based discourse, such as not interrupting while the witness provided his/her account (Kebeb et al., 1999, p. 101) or by giving the witness time to think and respond (Memon, 2006).

7.3.2 The Instruction Model for Focused Retrieval

Focused retrieval encourages witnesses to focus their attention and concentrate intensely so that they can recall memory at the most detailed level (Gentle et al., 2013; Köhnken et al., 1994). The interviewer should speak slowly and clearly with appropriate pauses to allow the witness time to create an image before responding (Memon, 2006, p. 536). The instruction model for focused retrieval based on the linguistic formulae is described below.

As indicated in the focused retrieval instruction in Table 7.1, the respectfulness dimension of formality is represented by the use of deference person reference terms to suggest that the interviewer respects the interviewee regarding their age. Professionalism is shown in the use of standard Indonesian rather than informal or colloquial Indonesian and warmth is shown by the insertion of a discourse particle. The proposed instruction does not contain any legal or police jargon; therefore, it can be regarded as using normalspeak.

Participants considered the focused retrieval strategy unnecessary in the context of police interviewing in Indonesia. This was because the existing technique requires police interviewers to ask questions directly related to the content of the crime using WH or H questions. This conflicting practice would be addressed through CI training; in particular, training on how memory works and how police interviewers can facilitate greater recall by encouraging witnesses to concentrate using appropriate CI instructions.

7.3.3 The Instruction Model for Report Everything

The report everything strategy encourages witnesses to report as much as they can, even if they can only remember small details (Köhnken et al., 1999). This strategy is often used in conjunction with focused retrieval, context reinstatement, change order or change...
perspectives. The instruction model for report everything based on the linguistic formulae is described below.

As indicated in the report everything instruction in Table 7.1, to encourage an adult male witness to report as much as possible, a deference reference term is used as a sign of respect. To indicate the police interviewer’s professionalism, standard Indonesian is used as exemplified by the use of standard suffixes and standard lexicon. Warmth is shown by the insertion of a discourse particle. The proposed instruction is short and uses words and phrases that are highly likely to be understood by witnesses.

The ‘telling unimportant things’ element of the report everything instruction was considered unnecessary by participants. Therefore, when conducting CI training, it will be necessary to explain why it is important to ask witnesses to tell unimportant things. This is because witnesses often filter their memories and report only the facts that they think police officers need or want to hear. This can be resolved if materials on the function of human memory are provided as part of CI training.

7.3.4 The Instruction Model for Context Reinstatement

Context reinstatement attempts to assist witnesses to recreate the surrounding context of an incident (Fisher & Geiselman, 1992; Memon, 2006). The purpose is to increase the overall amount of memory recalled. Although this increase is not due to context reinstatement alone, this strategy is regarded by some researchers as the most powerful component of CI (Centofanti & Reece, 2006, p. 671). The instruction model for context reinstatement based on the linguistic formulae is described below.

As indicated in the proposed instruction in Table 7.1, to assist an adult male witness to recreate the event, a deference reference term is used to mark respectfulness. Standard Indonesian is used to indicate the police interviewers’ professionalism as exemplified in the use of standard suffixes in transitive verbs, standard lexicon and standard prepositions. Warmth is shown using the discourse particles nah ‘well’ and ya ‘yes’.

The proposed context reinstatement is considered effective and comprehensible because it is not too long and contains familiar vocabularies. However, the presence of multiple questions in the instruction raised participants’ concerns because it was regarded as being contrary to current practices of interviewing, which involve asking one question at a time and waiting for a response before asking subsequent questions. The purpose and practice
of multiple questioning should be explained to police interviewers; namely, that it assists interviewees to recreate the event in their mind. Multiple questioning should be used to guide witnesses’ to reinstate the context of the event in their mind. Only after they feel clear about what they see in their mind should they narrate the image. This important knowledge about context reinstatement should be delivered via CI training.

7.3.5 The Instruction Model for Change Order

Change order attempts to assist witnesses to recall the event in a different order, that is, from the end to the beginning or from the middle to the end. It is based on the belief that changing the order of recall produces a different retrieval description (Bekerian & Dennett, 1993). The instruction model for change order based on the linguistic formulae is described as follows.

The change order instruction in Table 7.1 shows respect to an adult male witness via the use of a deference reference term. To indicate professionalism, standard Indonesian is used as exemplified by standard suffixes. Warmth is shown by the use of discourse particles.

The proposed instruction uses a familiar lexicon. Although it looks long, all the elements are meaningful and have functions. Participants’ were concerned that, as the change order instruction is uncommon, witnesses’ would find reversing the chronology difficult. This might explain why the change order instruction has been rated as one of the least useful and less frequently used CI strategies (Kebbell et al., 1999), even the least used (Clifford & George, 1996). Indeed, some researchers have suggested that it should not be used (Memon, 2006; Memon et al., 1996). Accordingly, although the proposed change order instruction demonstrates that the ‘fingerprint’ can be applied, its use is not recommended in police interviewing in Indonesia due to psychological and legal considerations.

7.3.6 The Instruction Model for Change Perspectives

The change perspectives strategy attempts to assist witnesses to recall events as if they were viewing them from another person’s perspective. When events are considered from a different perspective, a change in the retrieval description often occurs, making new information available (Bekerian & Dennett, 1993; Fisher & Geiselman, 1992). The instruction model for change perspectives based on the linguistic formulae is described below.
As indicated in bold in the proposed change perspectives instruction in Table 7.1, to respect a witness who is an adult male, a deference reference term is used. Standard Indonesian is used to indicate professionalism as exemplified by standard suffixes. Warmth is shown by the use of discourse particles.

The instruction does not contain any legal or police language. However, participants considered the strategy problematic, as it resulted in fabricated details, could lead to interviewees becoming confused and any information gleaned could not be used as evidence in court (Memon, 2006). This view is in line with previous research, which suggests that, while more than one recall attempt should be encouraged (Memon, 2006; Memon et al., 1996)—for instance, by using the *focalisation périphérique* ‘peripheral focusing instruction’ (Ginet & Py, 2001; Py, Ginét, Desperies & Cathey, 1997)—change perspectives should not be used. Like change order, this strategy has been rated as less useful and less frequently used (Kebbell et al., 1999) than other CI strategies, and is no longer used by some CI practitioners (Clifford & George, 1996; Ginét & Py, 2001; Py et al., 1997). Accordingly, while the proposed change perspectives instruction can be used as a guide to formulate an appropriate instruction in Indonesian, due to psychological and legal considerations, this CI instruction is not recommended for use in the Indonesian policing context.

This section has demonstrated the appropriate language for CI instructions in Indonesian, considering multidimensional formality, normalspeak and implication for policing. It is evident that there are restrictions as to which CI strategies can be used to enhance witnesses’ memory, as not all might be acceptable from legal perspectives. The next section addresses the legal viability of the CI in Indonesian.

7.4 A Supportive Legal Environment: Probing Questions and Police Reports

The legal perspective of CI was the focus of sub-question 3 and the findings were presented in Chapter 6. That chapter addressed the legal viability of CI in the Indonesian criminal justice system and highlighted two outstanding issues regarding its implementation: the current use of probing questions and non-use of electronic recording.

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8 Witnesses are asked to finish their story one last time, in a chronological order, focusing on all the details that surround the main event of crime.
This section advances this discussion by exploring the effects of making, and not making, legislative changes on the existing legal environment, drawing on the experiences of other jurisdictions. It concludes that, while there are constraints on CI’s legal viability, introducing CI to Indonesian police officers is ultimately worthwhile.

Two iterative processes of data collection in the Stage 3 Delphi, which involved 28 expert participants, revealed that the non-coercive nature (or humane style) of CI resonates well with the general principles regarding the treatment of interviewees embedded in the Code of Criminal Procedure. These imply a guarantee of legal supports to protect interviewees’ rights. The attempt to produce witness accounts that are free of contamination, which is a core element of CI, is echoed in the Code of Criminal Procedure’s requirement to record witness testimony in the words of interviewees, which are later reproduced in the police report. This suggests that police interviewers are neither allowed to direct witnesses’ responses nor produce their own version of events. (The production of the police report is addressed later in this section.) Given these similarities in values, conceptually, CI is legally viable in Indonesia (see Figure 7.2). Indeed, there is no reason for police investigators not to use CI.

Participants perceived CI more positively than existing practices due to its strong observance of interviewees’ rights and provision of services and justice to interviewees, although several questioned its practicality and costs, especially in terms of time. In addition, as mentioned, two outstanding issues were identified: open questions and electronic recording of interviews in CI. These issues represent the gap between CI and the existing regulations, as depicted in Figure 7.2.
Figure 7.2 Meta-Discourse of Cognitive Interviewing and theExisting Police Interview in Indonesia from a Legal Perspective

Figure 7.2 displays the relationships between CI and existing Indonesian procedures of criminal investigation interpreted from the perspective of legal requirements. As in Section 7.2, an area of overlap occurs in the humane style of interviewing used in CI and the existing procedures, the central principle of which is non-violation of human rights. This reinforces CI’s capacity to be viable in the Indonesian justice system. The uncommon areas—procedures of questioning and interview reporting—represent a gap that would limit the legal viability of CI. CI primarily uses open questions and electronic recording of interviews, whereas the existing regulations rely on probing questions and written police reports. To bridge this gap, legal reforms or agency actions might be necessary to produce guidelines stipulating the use of open questions and electronic recording in police investigation.

Alternatively, a filtering formula could be created to produce reliable police reports based on CI. This was addressed in general in Chapter 6 and is further examined below with reference to the experiences of other jurisdictions. Two main points are highlighted: 1) that stipulations regarding the use of probing questions should be removed from the existing regulations and a way found to allow narrative responses without the use of
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electronic recording, and 2) that Indonesian policy-makers should consider introducing electronic recordings because of the benefits they afford to the entire legal system.

An ideal legal environment for CI in the Indonesian policing context would be one in which precise rules for the collection of testimonies in the form of free narratives (cf. Naka, 2016; Volbert & Baker, 2016) and the electronic recording of witness testimony was prescribed in legislation and/or regulations (e.g. Milne & Shaw, 1999; Rispens & van der Sleen, 2016). The current specification regarding probing questions in the regulations is unfortunate. However, despite this, many police investigators use open questions more frequently than probing questions, especially those trained in investigative interviewing by the PHS and the NCHR. Therefore, while the current regulations fail to provide a sufficient framework for eliciting CI-style narratives, there is scope for open-ended questions to be used in police interviews in Indonesia.

What matters in a legal sense is the product of the investigation—the written investigation report that contains all the material facts (i.e. responses to the 6WH and 1H questions prescribed in the regulations). The 6WH and 1H questions effectively filter the information that is included, and excluded, from the police record. In contrast, when open-ended questions are used, interviewees tend to give long narrative responses. Institutional demands require police investigators to align these narrative responses into a 6WH and 1H format to fulfil the legal demands of future users of the police report. In this regard, the burden lies with police investigators. In Indonesia, it is a legal requirement that police interrogation records be written, as much as possible, in the language of the interviewees (Article 117 of the Code of Criminal Procedure). In the absence of electronic recording, this undoubtedly increases police investigators’ cognitive load, as they are required to make notes during the interview, concentrating on interviewees’ narratives while formulating further questions (cf. Sliedrecht, Van der Houwen & Schasfoort, 2016).

Therefore, it is not surprising that most police investigators, seeking a way to balance the task of interviewing and writing the police report, co-construct the event by steering the story during the interview and adapting the chronology to fit a coherent story containing details about time, space and direction (Van Charldorp, 2011, 2014). Although less ‘true’ than a narrative generated using CI, the result ‘is a more factual, detailed, precise and intentional story on paper constructed according to the institutional perspective of the officer’ (Van Charldorp, 2014, p. 7). It is highly likely that judicial officers (prosecutors and judges) will assume that the written report represents the real story of the witness—
that is, until the witness recants their testimony in court due to police the officers’ coercive interviewing practices. This scenario encapsulates researchers’ concerns about the ability of police reports to provide accurate and reliable information (Allison et al., 2017; Cauchi & Powell, 2009; Gregory, Compo, Vertefeuille & Zambruski, 2011; Komter, 2002; Meise & Leue, 2019; Van Charldorp, 2012). To be consistent with the nature of narrative responses in CI, the regulations need to be modified, in particular, the specification regarding probing questions needs to be removed.

Legislation or regulation in policing is important. As a constituent part of policing practice, it affects how police questioning is conducted (Dixon, 1997; Nakane, 2014). Further, legislation is able ‘to provide funds for equipment and training’ and to develop ‘a statewide uniform, comprehensive set of rules and exceptions for the guidance of law enforcement’ (Sullivan et al., 2008, p. 38). The Indonesian National Police force is structured around operational regions, namely national police (mabes), regional police (polda), district police (polres) and subdistrict police (polsek) (cf. Volbert & Baker, 2016, p. 153). The entire force is affected by legislative changes, because:

When a law is passed, all agencies covered by it are subject to the same rules. Consistency among law enforcement agencies makes it easier for them to cooperate on cases and allows for the development of regional or statewide training in the proper procedures. (Linkins, 2007, p. 156)

There is a paucity of literature on the experience of requiring the use of open-ended questions through legislation. The exception is research by Volbert and Baker (2016, p. 160), which observed that:

The legal framework for examining witnesses in Germany requires that the testimony be collected as far as possible in the form of a free narrative and that questions are asked only to clarify what has previously been reported in the free account.

Nonetheless, what is clear from the literature is the insufficient use of open-ended questions in investigative interviewing practices around the world (Powell & Wright, 2009, pp. 215-216). It can be inferred that, even when open-ended questions are enacted through legislation, there are no clear sanctions for investigators who fail to use them. It is also the case that ongoing, regular and systematic training and monitoring of the use of open-ended question by skilled experts is often lacking (Hershkowitz, Orbach, Lamb, Sternberg & Horowitz, 2002; Sternberg, Lamb, Esplin, Orbach & Hershkowitz, 2002; Volbert & Baker, 2016). This suggests, as Volbert and Baker (2016) noted in relation to
Police interviewing of witnesses in Germany, that the issue is more than legal—it is also about changing the general behaviour and norms of police culture (Dixon, 1996, p. 290); however, this is not examined in this study.

Although legislative changes are the most common way in which new police practices are implemented, these may not always be required (see e.g. Jakobsen et al., 2016; UNODC, 2008). For example, in the absence of regulations related to electronic recording, the police institution can draw on techniques used in other jurisdictions. The use of self-administered interviews (SAI) in the UK, the principles of which were drawn from CI, might be one such solution (Gabbert, Hope & Fisher, 2009; Gabbert, Hope, Fisher & Jamieson, 2012; Hope & Gabbert, 2011; Hope et al., 2011). With SAI, rather than asking witnesses questions orally, investigators provide them with a pen and paper and invite them to produce their own high-quality responses in a written mode. Witnesses are provided with a series of instructions and retrieval cues to support their recall. Although this tool was originally designed ‘to elicit a comprehensive initial account from witnesses at the scene of an incident’ (Hope et al., 2011, p. 211), it might still be beneficial if used at a later stage of the investigation. From the written responses, police investigators could copy and filter witnesses’ answers to fit the format of a police investigation report. In this way, it is highly likely that the witnesses’ language would be maintained. However, some adjustment to the interviewing mechanism might be needed, particularly in relation to timing—that is, when the witness fills in the SAI after having been summoned, when the police investigator transfers the SAI accounts into the police report format and when the witness signs the report. These three activities need to be time-effective if SAI is to become a recommended practice of Indonesian CI. This needs further research.

Turning to the legal framework for electronic recording in the Indonesian criminal justice system, as mentioned previously, the value of electronic recording is unquestionable and its benefits have been confirmed across the legal system (see e.g. Van Koppen & Penrod, 2003) including by judicial agencies (i.e. investigators, prosecutors and jury/judges) (see e.g. Boetig, Vinson & Weidel, 2006). Therefore, Indonesian policy-makers should really consider introducing regulations that stipulate the use of electronic recordings in police interviews.

The electronic recording of witnesses’ testimony is common in adversarial justice systems, such as the UK and other Commonwealth countries, where ‘all evidence is
presented in court in its most original form’ (Komter & Malsch, 2012, p. 409). In contrast, in an inquisitorial legal system, such as in the Netherlands, ‘the recording would only be checked when there are suspicions that things went wrong or when a written record is contested’ (De Keijser et al., 2012, p. 627). In recent years, the Netherlands has introduced specific guidelines for recording interviews electronically. The Instructions for Auditory and Audio-Visual Recording of Investigative Interviews of Informants, Witnesses and Suspects are based on the nature of the crime, the vulnerability of the witness/suspect or the situation during the investigative interview (Rispens & van der Sleen, 2016; Van Koppen & Penrod, 2003).

Considered in terms of a continuum, England and Wales have the most adversarial justice systems, whereas the Netherlands has the most inquisitorial system in Western Europe (Van Koppen & Penrod, 2003, p. 4). In addition, there are countries that cannot be considered purely adversarial or inquisitorial, but which use electronic recordings during police interviews. Germany is the perfect example of a jurisdiction situated in the middle of the adversarial/inquisitorial continuum (Van Koppen & Penrod, 2003; Volbert & Baker, 2016). Volbert and Baker (2016, p. 157) observed that: ‘Although documentary presentation of evidence would be consistent with the inquisitorial model, the German version of the inquisitorial system strongly favors the oral presentation of evidence.’ The practice of collecting testimonies with free narratives has a long legal history in Germany, but the use of audio-visual recording only came into effect in 1998 under the Witness Protection Law (Volbert & Baker, 2016, p. 158).

Adopted from the Dutch legal system, the Indonesian legal system relies heavily on written records. The existing legal framework is not sufficient to require the use of electronic recording; however, it does provide room for police investigators to use recording devices. Most countries have enacted the electronic recording of witnesses’ testimony through legislation or regulation (see e.g. Carmans & Patiny, 2016; Dixon, 2006b; Gershel, 2010; Rispens & van der Sleen, 2016; Volbert & Baker, 2016). In adversarial systems, such as the USA, legislative reform can be enacted through state legislature, court decisions, amendment to the status rules of evidence or by court rules (Gershel, 2010; Strang, 2008). In inquisitorial systems, such as Indonesia, legislative changes require consensus building. However, as Strang (2008, p. 191) noted: ‘The consensus-building legislative process can make the procedural reforms more readily accepted by legal institutions and actors, particularly where they are represented in the drafting process, than changes brought about through the courts.’
For legislative change to occur in police interviewing in Indonesia, there must be a genuine commitment to change among the police and other criminal justice agencies, and favourable political circumstances. Reflecting on the success of PACE in the UK, Dixon (1996, p. 300) advised that ‘police should be widely consulted in the process of rule creation as a way of encouraging responsibility and challenging cynicism’. He further emphasised that:

Legal reform cannot be considered in isolation from its contexts; the success of a proposal or rule change will usually depend on whether or not it goes with the flow of other pressures for change within and outside the organisation. (Dixon, 1996, pp. 289-290)

The Indonesian police force has been on a path of reform since its separation from the military in 1999 (Meliala, 2001b; Muradi, 2014; Rahmawati & Azca, 2006). Since then, it has developed an agenda for reform as outlined in the buku biru (the blue book) (Polri, 1999)—the main reference point for the direction of reform efforts (Villaveces-Izquierdo, 2010). Additionally, as Strang (2008) recognised, international influences play a significant role in Indonesia, particularly in relation to reform of the Code. In this regard, the globalisation of CI might advance, or accelerate the rate of, evidentiary rule changes in Indonesia.

It must be noted that legislation cannot guarantee that ‘what the law says is what the police do’ (Dixon, 1997, p. 1); nor can it be assumed that, ‘if problems in policing arise, it is the law which has become unrealistic and inadequate’ (Dixon, 1997, p. 2). The relationship between law and policing is not a simple one. Police officers are not the passive subjects of legislative actions. Law is activated in policing by police officers using it as a resource to aid in the accomplishment of their policing goals; in doing so, police officers try to make the rules work for them (Dixon, 1997). Legal reform takes time and is often complex. Statutory change needs a high level of commitment to retraining and continual monitoring or supervision in the field. Although laws concerning effective questioning and mandatory electronic recording do not yet exist, Indonesian police officers can still benefit from the introduction of CI. As highlighted previously, the issue is more than legal. It is also about changing general behavioural norms and introducing a new standard of police ‘professionalism’ (Dixon, 1996, p. 290). The next section presents the case for using CI training to change interviewing practices in Indonesia in the absence of legislative reform.
7.5 Introducing CI Via Training

The previous sections discussed the key findings of the three stages of this research. Following on from this, it can be argued that a suitable environment for CI in Indonesia lies in the attitudes and professional beliefs of police officers regarding their existing interviewing practices and CI, the existence of an appropriate linguistic technique for operationalising CI in Indonesian and supportive regulations. These conditions can serve as a template for change for other countries experiencing similar conditions or problems who wish to pursue CI. The recognised values that lie in the intersection between the existing practices and CI (e.g. humaneness) can be considered capital for change, while the identified gaps (e.g. domination, specification for probing questions) can be treated as pathways for change. Both the capital and pathways for change form part of the rationale for introducing CI in the Indonesian policing context.

The delivery of training materials on memory formation and appropriate types of questioning is well covered in investigative interviewing literature (e.g. Heydon, 2012; Memon et al., 1995). In contrast, literature that considers how CI instructions should be phrased in languages other than English is quite rare (cf. Demarchi et al., 2016). The process of police reform through legislation has also been discussed at length in the literature. Therefore, based on the key findings presented in Sections 7.2, 7.3 and 7.4, the highpoint of this research in terms of its contribution to knowledge lies in its elaboration of Indonesian CI instructions (Section 7.3). This constitutes the key aspect for operationalising CI procedures and demonstrates practical ways for generating a new police professionalism. There is no doubt that this aspect should be integrated into police training in Indonesia. Likewise, there is no doubt that police training in Indonesia, like other such ‘schemes, [has] rarely, if ever, been given the benefit of research findings emerging from any other disciplines’ (Heydon, 2013, p. 57)—in this case, linguistics.

In the absence of a legal framework, addressing the gaps in the existing police interviewing procedures via CI training must be taken seriously. The need for training was mentioned in Chapters 4, 5 and 6. It is reinforced here. The Criminal Investigation Education and Training Centre in Mega Mendung Bogor teaches investigative interviewing techniques, including CI, but the main recipients are high rank officers, not police recruits.
Chapter 4 recommended training junior officers in CI, because it is likely that their questioning behaviours could change quite easily even though they find interviewing more challenging than senior officers. This is consistent with previous research conducted by Dando et al. (2008), who argued that junior officers do not have to unlearn inappropriate skills to the same extent as senior officers. While junior investigators might find the complexity of CI challenging, this can be addressed by structuring training materials according to level of difficulty involved (e.g. the social and communication techniques of CI might be delivered prior to the cognitive techniques). For CI training to be effective, sufficient space for practice, monitoring and supervision from professionals or experts is required. Further, the skills governed by CI need to be included as criteria for assessing police investigation skills in the scheme of police certification. Both senior and junior officers need exposure to CI, although their training packages might be different. While junior investigators should be prepared for the front line, senior investigators should be trained to provide support to junior officers by improving their monitoring and supervising skills.

To date, training in CI has been provided as part of collaborative initiative between the Indonesian National Police, the PHS and the NCHR. This training has not been delivered continuously due to limitations in human resources and funding. To make CI training ongoing and sustainable, an alternative strategy might be to allocate donor funding for ‘training for trainers’ and involve talented police investigators from all regional police stations (polda) in Indonesia. A pilot training for trainers’ scheme could be established in one or two police regions to create a pathway for change. Further research and consultation would be needed to facilitate such a program.

Given the unique linguistic and legal environment of police interviewing in Indonesia, the process of adapting CI cannot be achieved via the ad hoc translation of a set of CI instructions. Instead, as this study shows, layers of analysis and conformity exercises are required to fit the existing linguistic and legal environment of Indonesian police interviewing. Training in CI will provide Indonesian police with communication tools and other resources that are currently beyond their reach, not only linguistically but also cognitively.
7.6 Conclusion

This chapter has brought together the key findings of Chapters 4, 5 and 6 to explore a suitable environment for adapting CI in the Indonesian policing context. It shows the characteristics of a suitable perceptual, linguistic and legal environment. Indonesian police officers, as participants of this study, were reported to have positive attitudes towards their existing interview practices and CI. This positivity creates a suitable perceptual environment for the implementation of CI in the Indonesian policing context. The areas of overlap between the existing practices and CI can be viewed as shared common ground; however, the identified gaps need to be addressed through training. To make CI implementable, this task must be addressed.

Regarding the linguistic environment, this chapter proposed a language model for CI instructions. The model is considered appropriate for creating a polite and warm atmosphere for police–witness interaction and to preserve police professionalism in Indonesia. It is expected that such an environment will encourage witnesses to share information in as much detail as possible. The proposed model will need to be integrated into the proposed training. It can serve as a guide to inform practice to improve police interviewers’ awareness of the fact that context influences language choices and that language choices have social implications. However, to enhance confidence or validate and refine the model, it needs empirical testing.

Regarding the legal environment, this chapter argued that the existing legal framework needs to be updated, specifically, that the rules of evidence need to be extended to allow investigators to elicit free narratives from witnesses and that new regulations need to be enacted to mandate the use of electronic recording during investigations and as evidence in court. In the absence of a supportive legislative framework, this chapter suggested that designing appropriate training is paramount to CI’s implementation.

This chapter also positioned the proposed language model as the highpoint of this research. The model, which supports CI training in a non–English speaking country, is suggested as a template for change for other countries that have similar conditions to Indonesia, although additional research on the appropriateness of the proposed language model from the perspective of witnesses might be needed. This is considered in Chapter 8, which also outlines a summary of the main findings, implications and other limitations of the study, as well as recommendations for further research.
Chapter 8: Conclusions and Recommendations

8.1 Introduction

This chapter presents the conclusion of the thesis, outlines its implications, and points out its limitations and recommendations for further research. The main question this thesis sought to answer was ‘how well can CI work in the Indonesian policing context?’ As explained in Chapter 1, this question was foregrounded by several miscarriages of justice in Indonesia due to police misconduct in relation to interviewing practices. These practices violated human rights and so attracted national and international attention. Introducing an evidence-based interviewing technique such as cognitive interviewing (CI) is regarded as the best way to address this problem. The global recognition and uptake of CI, which is viewed as a benchmark for best practice witness interviewing due to its humane and scientific basis, has influenced Indonesian police officers via investigative interviewing training. Training has been provided by the Indonesian National Police in collaboration with the Norwegian Centre for Human Rights (NCHR). Yet, Indonesian police officers continue to employ a unique interviewing practice in unique language environment and unique legal environment, all of which are markedly different to the English CI environment. Accounting for this situation, the main research question was addressed via three sub-questions that were administered in stages (as stated in Section 1.3):

1) What are police investigators’ perceptions of their existing practices of interviewing witnesses?

2) How linguistically appropriate are CI instructions in the Indonesian language?

3) How legally viable is CI in the Indonesian policing context?

A summary of the study’s main findings and contributions are provided below.

8.2 Summary of Main Findings

English language CI has served as the basis for developing Indonesian CI. This study has shown that Indonesian CI can work well in the Indonesian policing context pending further adaptations. As English language CI is the benchmark, Indonesian police interviewing practices are expected to align with the spirit and best practice of English CI, although its operationalisation in the Indonesian policing context might be different.
This expectation guides the direction of the adaptation processes. More specifically, the adaptation process calls for three areas of investigation, as suggested by the research sub-questions.

The results of Stage 1 showed that the value of humaneness in CI was also present in current police investigators’ professional beliefs regarding their interviewing of witnesses. Differences in actual practices included features of standard interviewing and domination, which are not in line with the value of humaneness. To fill the gap between the values and practices of the existing interviewing technique and CI, and to enhance Indonesian police officers’ ethical interviewing skills, training in CI needs to be introduced.

As Indonesian police participants’ perceptions of their existing interviewing practices were positive, this suggests that a suitable environment for introducing CI exists. The investigative interviewing training program (which includes CI) introduced by the Indonesian National Police in collaboration with the Fadilah Rifai Rizky Law Office, the Norwegian Police University College and the Norwegian Centre for Human Rights in 2014 should be continued, although modifications will need to be made. The findings of sub-question 1 suggested that the training should cover three main areas: memory formation, communication and language use. The existing training addresses memory formation and communication, but not language use. The overlapping values (i.e. humaneness) between the existing interview procedures and CI can be viewed as common ground in the delivery of CI training.

Another important finding in relation to training concerned its target audience. It was suggested that training be offered to junior and senior officers. Junior officers should be included as their questioning behaviours could change quite easily even though they find interviewing more challenging than senior officers. Senior officers also need to have a detailed understanding of CI to enable them to support junior officers in practising CI. Training for senior officers should be directed at equipping them with monitoring and supervising skills.

As discussed in Stage 2, English language CI is operationalised in six mnemonics that use specific instruction wordings to retrieve memory and to elicit high quality responses, namely building rapport, focused retrieval, context reinstatement, report everything, change order and change perspectives. The results of Stage 2 showed that, to achieve successful outcomes using CI in the Indonesian policing context—more specifically,
when dealing with adult witnesses—Indonesian CI instructions needed to combine the three features of formality and normalspeak. The features of formality are respectfulness, professionalism and warmth. Respectfulness is operationalised using deference references such as Bapak/Ibu ‘Sir/Madam’. Professionalism is linguistically marked by standard Indonesian as shown by transitive verbs (suffix –kan, –i or no suffix), prepositions, different lexicons and unreduced forms. Warmth is expressed through discourse particles such as nah ‘well/so’ and ya ‘yes’. Normalspeak (as opposed to copspeak) is linguistically realised by short instructions and contextual wordings using standard Indonesian as a measure. The use of normalspeak avoids the communication problem arising from the use of legal or police jargon.

Formality and normalspeak are applicable across the six CI mnemonics. However, the change order and change perspectives strategies are recognised as being problematic in the Indonesian policing context due to psychological and legal considerations. Although this study did not empirically test the effectiveness of formality and normalspeak in CI instructions, they can be used to enhance CI training materials on language use. The findings on formality and normalspeak reinforce the view that ad hoc translation practices will produce inappropriate instructions in Indonesian. There are two reasons for this. First, the diglossic and non–Indo European linguistic environment of Indonesia implies that considerable effort is needed to adapt English language CI into Indonesian. Second, the complexity of the features of formality within the Indonesian police institutional discourse suggests that collective expert judgment, rather than individual judgement, is required to create an appropriate language model. This research represents one of the first attempts to thoroughly examine the language appropriate for CI and to include language as an element of CI training.

The results of Stage 2 also revealed participants’ lack of knowledge about CI. Several aspects of the six CI strategies were regarded as being contrary to existing norms and practices of police interviewing in Indonesia, especially the ‘transfer of control’ instruction in the building rapport strategy, the ‘unnecessary task of building concentration’ in the focused retrieval strategy, the ‘telling unimportant things’ aspect of the report everything strategy, the ‘multiple questioning’ aspect of the context reinstatement strategy, the ‘reverse chronology’ aspect of the change order strategy and the instruction to ‘give testimony using another person’s perspective’ in the change perspectives strategy. These aspects, which are related to the cognitive dimension of CI, are among the areas that CI trainers need to emphasise when CI training is delivered.
Turning to Stage 3, the Indonesian legal environment, as described in Chapter 1, adopts a continental civil code system and its justice system relies heavily on the Indonesian Criminal Procedure Code. Analysis of the results from Stage 3 indicate that CI is compatible with the Indonesian legal environment in some ways. With its focus on treating witnesses without pressure and reporting responses as much as possible in the words of interviewees, the Code accommodates the humaneness of CI. However, specifications regarding the use of probing questions and reporting of witness testimony in written police reports are inconsistent with CI. To elicit high-quality responses from witnesses, open-ended questions need to be championed as the primary means of information gathering. The electronic recording of witness interviews also needs to be mandated. These issues can be addressed by updating the regulations. Policy-makers should be invited to consider the science behind effective question funnels and the benefits of extending the scope of admissible evidence for general crime investigation to include electronic recordings. It bears emphasising that Indonesia has made some positive moves in the area of legal reform since 1998 (Strang, 2008); however, the process of updating the Code cannot be rushed, as it requires consensus among legislative members.

In the meantime, it is possible to use CI-style open questions in the Indonesian policing context. The regulations provide scope for this practice. Moreover, there are reliable and accurate ways to transfer the narrative responses gained from open questions to the police report format. Rather than typing while listening to long witness responses, which might result in the inaccurate transfer of information due to police investigators’ high cognitive load, self-administered interviews can be used. Likewise, electronic recordings can be made by police investigators for their personal and institutional use; however, they cannot currently be used as evidence in court. Stage 3 also revealed that participants held positive attitudes towards CI. This indicates the readiness of Indonesian police participants to be introduced to CI.

Combined, the findings from Stages 1, 2 and 3 were found to indicate two main things: 1) a high degree of support for introducing CI via training to the Indonesian police and 2) the key principles for adapting CI to the Indonesian policing context. Prior to this study, it was unclear which CI instructions would be appropriate to use in the Indonesian policing context. In this regard, the findings of sub-question 2 (i.e. ‘how linguistically appropriate are CI instructions in the Indonesian language?’) appear to represent the highpoint of this research, as previous CI training in Indonesia (and the world) has not addressed the operationalisation of CI in terms of language use as a significant component.
of the cognitive and communication aspects of CI. This is especially true when the
linguistic environment of the target country is not English.

This leads us to consider the ‘ILAHAR’ principles for effective adaptation of CI to the
Indonesian policing context. In the researcher’s local language (Sundanese, West Java),
ilahar means ‘common’. Developed in response to local perceptions, local police
institutional discourse and the local jurisdiction, the ILAHAR principles explain how to
make CI common in the Indonesian policing context. It operates in six sub-principles as
described in Table 8.1.

Table 8.1 ILAHAR Principle for Effective Adaptation of Cognitive Interviewing to
the Indonesian Policing Context

<table>
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<tr>
<th>1. Principle of Interest</th>
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The ILAHAR principles are based on the premise that CI is worth adapting in the
Indonesian policing context and that its adaptation involves understanding the local
context and environment. Including local values, language use, policing practices and
legislation guarantees that CI will be accepted and effective because people tend not to
oppose the local context. The principles promise that similar outcomes will be produced
in Indonesia as in an English language environment. Considering CI’s status as the
benchmark of witness interviewing in the global world, the principles can be seen as
proving the interlingual and interlegal space of CI. More than that, they are expected to
lead to new practices of interviewing and provide avenues for change based on local
realities. Each of the principles is elaborated below.

1. Principle of Interest

The reasons for implementing CI may vary in different countries. In Indonesia, interest
stems from recognition that existing practices include poor interviewing skills that have
led to miscarriages of justice. Thus, CI will be effective if police agencies express an
interest or intention to implement it. This interest has been expressed in Indonesia through
the police institution’s collaboration with the NCHR. In this regard, further adaptations
are required to improve both the quality of witness information and police interviewing skills.

2. Principle of Likenesses

The effective adaptation of CI is founded on an understanding of overlapping values between existing interviewing practices and CI in terms of the institutional discourse of policing, the criminal justice system and investigation processes. Thus, CI’s adaptation requires recognition of the spirit and key features of CI and of existing practices. In Indonesia, the value of humaneness is shared by both interviewing techniques. This value enhances the possibility of police acceptance of CI because the technique is seen as being similar to local practices. The effective adaptation of CI also requires recognition of how CI is operationalised in the English language and in English language jurisdictions. The greater the degree of likenesses, the lower the degree of effort required to adapt CI to local conditions.

3. Principle of Awareness

The effective adaptation of CI requires police awareness of the benefits of using CI. There also must be awareness that differences in interviewing practices, language use and criminal justice systems require complex approaches. For example, regarding discrepancies in language use and CI, it is important to be aware that this problem cannot be solved by simply providing an interpreter. This kind of awareness encourages police officers to appreciate the value of participation that is currently lacking in interviewing practices, the contextual choices of the language deemed appropriate for CI in the local environment, and the need for greater access to a supportive regulatory framework. Such awareness will ease the adaptation process, even if specific tasks remain unfulfilled.

4. Principle of Changes

The notion of professionalism in Indonesian police institutional discourse suggests that effective adaptation of CI to the Indonesian policing context requires personal and organisational willingness to pursue a formal change process. This is indicated in the positive response of the Indonesian police towards the evidence-based interview technique introduced by the NCHR. However, further commitment needs to be shown for CI to advance and be capable of influencing police interviewing behaviour on a national level.
5. Principle of Supportive Atmosphere

The effective adaptation of CI requires a supportive atmosphere, including positive police attitudes towards existing interviewing practices and CI, and an appropriate legal framework and ecosystem for learning. Greater efforts will need to be made if this supportive atmosphere does not yet exist.

6. Principle of Reiteration

In the end, the key to CI’s effective adaptation is constant and persistent reiteration of the value of CI to the police service. The more emphasis that is placed on CI’s usability and effectiveness, the more its values can be transferred, the greater its ability to elicit high quality information from witnesses and improve police interviewing skills. The principle of reiteration can be pursued through CI training delivered by competent instructors, monitoring and supervision.

These findings will be of interest to a range of Indonesian law enforcement agencies. They will also be of interest to other countries pursuing CI that have similar conditions or environments to Indonesia. Some further implications of the study are outlined below.

8.3 Implications of the Study

The main aim of this study was to explore how well CI could work in the Indonesian policing context. This was explored by uncovering police officers’ views regarding current interviewing practices, the language appropriate for CI in Indonesian and the legal viability of CI in Indonesia. This study incorporated and blended insights from psychology, legal and language perspectives to develop an interviewing model in Indonesian based on the English language version of CI. Having adapted CI to the Indonesian policing context, this study has the potential to influence positive change on individual, institutional and societal levels.

At the individual level, the results of this study can be used to inform CI trainers to be cautious about simplifying problems of discrepancies in language by providing an interpreter. While interpreters can be helpful in some ways, this study has revealed that, when it comes to CI instructions, the interpretation needs to consider police institutional discourse. Therefore, not only trainers but also interpreters need to understand Indonesian police institutional discourse. This implication derives from this study’s findings regarding the language appropriate for CI in Indonesian.
At the institutional level, the results of this study have implications for strengthening police capacity in interviewing and general police accountability in Indonesia. It provides empirical data that supports the need of Indonesian police investigators to be introduced to a more ethical and a humane technique of interviewing, such as CI. This implication stems from police investigators’ existing beliefs regarding their interviewing practices—that is, a humane technique, but also including standard interviewing and domination. As mentioned, investigative interviewing training has been available in Indonesia since 2014. The findings suggest that this existing investigative interview training method should be supplemented with CI training in Indonesian. In this sense, this study is timely, as it follows the NCHR’s initiative. By providing police investigators with additional exposure to best practices interviewing in the language of police operations, it is likely that Indonesian police investigators will become highly skilled ethical and humane interviewers, and that undesirable practices in police interviews will be reduced, if not eliminated. This will improve the overall performance of police officers and enhance police accountability. A commitment to change on the part of the police institution is urgently needed. The results of the study also had implications for updating regulations on the use of probing questions and for creating more specific regulations on the use of electronic recordings during police interviews. These implications derive from the findings regarding the legal viability of CI in the Indonesian policing context.

At the societal level, the results of this study have implications for improving public trust in the police institution. As CI enhances police credibility, public trust in the police institution will improve. CI treats witnesses humanely and without pressure. As a result, it is likely that false confessions or other miscarriages of justice will be reduced. To put this another way, CI will have the effect of encouraging law enforcement agencies to improve their performance in terms of transparency and public service delivery. This implication derives from the findings regarding the legal viability of CI in the Indonesian policing context.

Additional implications relate to the theoretical framework chosen for the study. The results of the study have implications for the study of Indonesian for professional or occupational purposes—that is, Indonesian for specific purposes or languages for specific purposes (cf. Koester, 2010, p. 146). This concerns how language used to achieve institutional goals can be improved via training. As outlined in the following section, there are also some precautions and limitations that need to be considered.
8.4 Limitations of the Study

The major precaution that needs to be considered relates to study design. As explained in Section 3.2, to explore whether CI could work in the Indonesian policing context, this study used a mixed-method design combining quantitative and qualitative research paradigms. The design was not intended to produce generalisable data and conclusions. Rather, through an intensive study of CI, the present study aspired to provide a contextualised understanding of some police interviewing practices, language and legal aspects of CI in the Indonesian policing context. The ‘how’ question (as formulated in terms of the overall objective of the research) gave license to the relevance of description or explanation rather than the presentation of numbers. As well as being largely qualitative, this study was oriented towards transferability—that is, to being a template for other jurisdictions with similar language or legal conditions as Indonesia that wished to pursue or adapt CI. Therefore, in selecting participants at all stages of the research (including the large-scale survey), this study was based on a qualitative design (i.e. non-probability sampling). In other words, participants were chosen based on a set of criteria set by the researcher’s need to access appropriate potential participants to fulfil the aim of the research. The lack of probability sampling prevents the study from making generalisations about the Indonesian National Police or other populations involved in the study (e.g. prosecutors, judges, academics). Again, this method was purposefully chosen, as generalisation is not the aim of this research.

Other researchers wishing to use a mixed-methods approach with a concurrent design are advised to consider how to address contradictory findings. An example of this was shown in this study’s Stage 2 Delphi when participants were required to assess the level of appropriateness of the provided CI instructions. In the quantitative part of the questionnaire, participants agreed that the provided CI instructions were appropriate by placing a mark in the relevant box on a five-point Likert scale. However, in the qualitative part of questionnaire, participants highlighted issues with the CI instructions. Rather than view this discrepancy as an indication of flaws or inconsistencies in the research design, this study viewed it as a new line or direction of inquiry (Bergman, 2008). Two strategies were implemented to address inconsistent findings: ‘identifying and discussing them’ (Bergman, 2008) and ‘collecting additional data to resolve difference’ (Creswell, 2002).

In relation to the first strategy, it was clear that the results of the Likert scale data could not be relied upon as the sole predictor of appropriate CI instruction styles, as more details
were necessary. The close examination of participants’ comments from a qualitative perspective added important details to the findings and explained why such differences occurred (cf. Umberson, 1995). As for the second strategy, this study gained additional data through the iterative nature of the Delphi procedures—that is, by asking participants to fill in additional questionnaires until the results achieved consensus. The final round clarified participants’ concerns.

The main limitation of the study was the lack of research showing the most appropriate CI instruction wordings in English. If such a template had existed, the translation of English CI instructions into Indonesian as part of the development of the Stage 2 Delphi questionnaire would have been more straightforward. To address this limitation, English CI instructions proposed by prominent scholars of forensic psychology were pooled and chosen to fit the purpose of this study. Notwithstanding this limitation, this study contributes to the development of the use of Delphi methods for language and legal research. The following section outlines the recommendations for future research.

8.5 Recommendations for Future Research

Using the Delphi method, this study drew on several groups of experts’ perceptions regarding language and the legal viability of CI in the Indonesian policing context. However, rather than classifying the findings based on participants’ background or expertise, this study blended these groups’ views. Therefore, further research might consider examining how each group of experts viewed the issues under investigation. Balancing the number of experts in each group might also be worth considering.

The proposed language model for CI in Indonesian was derived from a consensus of experts. This result might need to be tested or confirmed with adult witnesses or adults in general. It would be worth exploring whether, as the potential addressees of police interviews, adult witnesses experienced similar levels of accommodation when police interviewers use the proposed instructions as with existing interview techniques. Future work might also investigate the use of Indonesian CI for vulnerable witnesses or for witnesses in specific types of crime.

As topics such as the writing of police reports and electronic recording of witness–police interviews become areas of concern for legal reform, further research might be directed to comparative analyses of criminal case investigations involving written reports versus
electronic recording, and police reports based on CI versus those based on standard interview techniques.

CI training in the Indonesian language was repeatedly mentioned as the best option for Indonesian police officers. The present study has shown how this training can be effective and what materials are appropriate. However, future work is required to develop a complete Indonesian CI training package.

Finally, regarding the ILAHAR principles for effective adaptation of CI, further research needs to be conducted to see whether these also apply to jurisdictions in other countries experiencing similar challenges to Indonesia and wishing to pursue CI.
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